

FINAL RECORD OF CONCLUSION
KAHNAWÀ:KE LEGISLATIVE COORDINATING COMMISSION
April 4, 2019
MCK Large Conference Room
1:30 pm - 3:00 pm

MEETING TYPE:	KLCC Regular
CHAIRPERSON:	Leslie Skye
NOTETAKER:	KellyAnn Meloche
ATTENDEES:	Jean Pommerville, Joe Delaronde, Winona Polson-Lahache, Vernon Goodleaf, Keisha Goodleaf, Ietsénhaienhs Tonya Perron and Ratsénhaienhs Ross Montour Ratsénhaienhs Joe Norton and Ietsénhaienhs Gina Deer
INVITED GUESTS:	Murray Marshall (Teleconference), Mark Jocks & Marnie Lahache
ABSENT:	Kevin Fleischer (regrets)
ITEM:	DESCRIPTION

1. Administrative – Review/Decision

Record of Conclusion 02/07/2019 - The ROC was approved by Joe Delaronde, seconded by Ietsénhaienhs Tonya Perron.

Regulation Application Form - posted online and MCK Global Folders - Only one minor change.

Organizational Representative - Currently no applications.

ACTION: *It was suggested to send out a new press release making it clear to ANYONE working for the organizations that they can apply.*

Draft KLCC Legislation Development Technician - Currently with Human Resources.

ACTION: *Leslie to send to KLCC (as an FYI) and to the portfolio team after HR finalizes job description.*

2. Laws Update – Review

Proposed Draft Urgent Kahnawà:ke Residency Law – Leslie Skye/Jean Pommerville

CDMP Hearing is tonight. Sections 38 and 39 will be reviewed. Jean will be present as legal counsel and advisory.

CDMP Presentation- Leslie Skye

A CDMP Presentation to the local media is currently being organized by the Leslie. She will contact KLCC once scheduled should anyone wish to participate.

Amendments to the Kahnawà:ke Animal Control Law - Leslie Skye

Public Safety Unit can be ready in 6 weeks time.

3. File Update - Review & Decision

CDMP Regulations Process with Mark Jocks and Murray Marshall– All

Relating to the CDMP Regulations flow Chart approved June 2018. Discussion regarding the flowchart, Phase III, communal laws and the Kahnawà:ke Gaming Commission's (KGC) concerns.

KLCC Pre-discussion:

-All laws giving powers to enact regulations do NOT exclude this process.

-If you are making regulations, there must be an opportunity for community members to make comments.

-Phase II is not a Hearing, it is an Input Process. In terms of stakeholder consultations, we need to clarify that it is the local stakeholders and not necessarily their operators in New Jersey, etc.

-Where there is no other authority to enact regulations (as written in their law), then we will have to amend PHASE III, which states that Chief and Council approves and passes the regulation.

-We need to ensure opportunity for all kinds of people to provide feedback.

-The policy is accurate; although the flow chart is not. The box in the flow chart must be reflective and accurate of Sections 3.23 and 3.24.

ALL IN AGREEMENT

-It was questioned how this would affect the Process. We must ensure the Process is done properly as it may expand quickly.

-If there is a need to make a regulation urgent, we need to act quickly, it is in the Regulation Process that they can assist and by-pass the process.

ACTION: *Leslie to revise Phase III of the CDMP Regulations Flowchart to accurately reflect sections 3.23 and 3.24 of the Kahnawà:ke CDMP Regulations Policy.*

The KGC members Mark Jocks and Marnie Lahache entered the meeting at 2:32 p.m., Murray Marshall joined via conference call.

KLCC & KGC Discussion:

KGC stated 6 main concerns:

1. Only notified about MCED in August (it was passed in June) and weren't consulted that this policy applied to KGC.
2. The policy, as it reads, contravenes the Gaming Law. It states that the KGC can enact regulations under the law. If they follow this process now, it takes the authority out of the hands of the KGC for amendments to the Gaming Law that would be needed.
3. The Terms of Reference (TOR) between the MCK and KGC are designed to fill in gaps and ensure the respective authorities of the Council and KGC. In review of section 18 and 20 of the TOR. The process compromises the arm's length and role of Council.
4. The KGC developed four and amended 46-50 various regulations to date. The Process would cause time delays, which would hinder their current process.
5. The Process as developed confuses policy makers and regulators.
6. Following the Process, which allows for 30-day publication and comments, could bring undue delays from certain interest groups who may not be subject matter experts.

The KGC requests, respectfully, that the MCED be reconsidered and amended by Council and exclude the KGC until such time that the Gaming Law is amended and/or subject them to a different process.

The KGC is still the drafting committee. Regulations don't go to the Council table or to community members. That is covered in part under Section 24.1 in the Kahnawà:ke Gaming Law. However, Section 3.24 of the CDMP Regulations Policy does apply to the KGC.

The KGC noted an error in Section 3.25 of the CDMP Regulations Policy which was acknowledged by KLCC, who further suggested that Section 3.25 should be a sub bullet of Section 3.23.

Another concern raised by the KGC was logistical. They make a lot of amendments, although very small, it is necessary because of the learning curve. If there was an open consultation, the background needed would be immense and would be detrimental to their timing, as they currently turn over amendments within a couple of weeks.

It was stated that the CDMP Regulations Policy does not take KGC authority away, it complicates it.

KLCC explained that the CDMP Regulations Policy was not meant for smaller amendments, it is meant for the bigger pieces (i.e. The Policy would have applied to the Electronic Gaming Devices (EGDs)). The technical issues would not need to go through the Regulation Policy, however the bigger parts would.

There is an element of shared responsibility from KGC and MCK. It is a public policy perspective if it flirts with the public idea of "no casino". If it is the KGC developing actual regulations, how do we work together to ensure that we are informing the community properly? We need a high level extraction then put in a one or two-page document to publish. Gina will be informing the public about the regulations since community members call Gina when they have questions.

It was suggested to move Section 3.16 of the CDMP Regulations Policy further up to Section 3.14, whereby all draft regulations would undergo a legal review, and in terms of the flow chart, we may not need the full-blown process. It was also noted that amendments to existing regulations or the development of new regulations would not require a full-blown consultation unless it affected the public more generally.

ACTION: *Murray and Jean to provide suggested terms and proposed amendments then bring back to both KGC and KLCC review and approval.*

Review & Approval of CDMP Procedural Manual - All

ITEM DEFERRED

4. Other – Review & Update of Legislative Portfolio Mandate - All

ITEM DEFERRED

5. Adjournment & Next Meetings: Meeting adjourned at 4:00 pm

Next KLCC Monthly Meeting
Thursday, May 2, 2019
Large Conference Room 2:30 pm – 4:00 pm