

**KAHNAWÀ:KE MEMBERSHIP LAW**

**FIRST HEARING - Meeting #18**

**Karonhianóhnha Gym**

**25, Kenténha / October 2016**

**6:00 PM- 8:30 PM**

**RECORD OF DISCUSSION**

**FACILITATORS:**

Joe Delaronde  
Ron Skye  
Leslie Skye - KLCC

**CHIEFS IN ATTENDANCE:**

Joe Norton

**RECORDER:**

Caroline McComber

**RESOURCE PEOPLE:**

Chief Kahsennenhawe Sky-Deer (Lead)  
Chief Arlene Jacobs  
Rose-Ann Morris  
Shari Lahache  
Arlene Beauvais  
Kevin Fleischer

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**AGENDA**

6:00 P.M. **OPENING** - Leslie Skye

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** - Leslie Skye

6:10 P.M. **KAHNAWÀ:KE MEMBERSHIP LAW AMENDMENTS:**

- **SEC. 25 NOTICE**
- **SEC. 26 KANIEN'KÉHA VERSION OF LAW**
- **SEC. 27 GENERAL PROVISIONS**
- **SEC. 28 AMENDMENTS**
- **SEC. 29 ENFORCEMENT**
- **ANY RELEVANT/RELATED DEFINITIONS** - Kahsennenhawe Sky-Deer

8:25 P.M. **NEXT STEPS** - Kahsennenhawe Sky-Deer

8:30 P.M. **CLOSING** - Kahsennenhawe Sky-Deer

## NOTICE

**25.2** *In the event a notice cannot be sent by registered mail, or the recipient fails or refuses to sign for it within fifteen (15) days from the date on which the registered mail was sent, the Registrar may direct that the required notice be given by bailiff or in any other way that reasonably ensures proof of reception, including publishing a summary of the notice for two consecutive weeks in the local electronic or print media.*

### DISCUSSION:

Inquiry was made on sections previous to "Notice". Rose-Ann Morris advised that from earlier CDMP sessions, it was established that any/all sections relating to 'Non-Member Resident' contained within the *Kahnawà:ke Membership Law* would be deferred until the final outcome on whether the community resolves to proceed with the development of a Residency Law. If it is agreed by the community to proceed with a residency law then those sections would be removed from the current law.

### CONSENSUS REACHED:

*Unanimous consent to accept the proposed amendments to Section 25.2*

## KANIEŃKÉHA VERSION OF LAW

**26.1** *The Kanien'kéha version of this Law will be verified to be a true translation of the English version.*

### DISCUSSION:

A motion was presented to insert stipulations that require "Translators" be community members of Kahnawà:ke. The facilitator advised that the Court of Kahnawà:ke would be responsible to employ a certified Translator. Kevin Fleischer advised that ideally translation services would be provided by a community member but cautioned further that where translation services may not be available within the community, the stipulation motioned would close the door to our sister communities for services when required.

### CONSENSUS REACHED:

*Unanimous consent to accept the proposed amendment to Section 26.1*

## GENERAL PROVISIONS

**27.4** *The Registrar may decide to extend any of the time periods or deadlines set out in this Law or the Regulations if the Registrar is convinced that it is in the interest of fairness to do so.*

### DISCUSSION:

Concern was raised on **one person** (the Registrar) making all these decisions. The facilitator expressed that for this Section, the decision is solely in regard to the interest of 'fairness' as related to time periods and/or deadlines.

## **CONSENSUS REACHED:**

*Unanimous consent to accept the proposed amendments to Section 27.4*

## **AMENDMENTS**

**28.1** *This Law may be amended in accordance with the procedure set forth in the Community Decision-Making Process or any other process which may replace it.*

## **DISCUSSION:**

The facilitator explained the rationale for removing all subsections is that the community consented on January 29, 2013 to remove the amendment process of Section 26 of the April 2007 Law in favor of using the Community Decision-Making Process.

## **CONSENSUS REACHED:**

*Consensus unanimous to accept the proposed addition of Sections 28.1 along with the removal of the fourteen (14) subsections*

## **ADDITIONAL DISCUSSIONS**

Questions and concerns were raised regarding the clarification of enforcement once this Law is enacted. The facilitator noted that currently under the Peacekeeper Law, the Peacekeepers are responsible for criminal and civil enforcement. However, normally it is a bailiff that would deliver a court order for an eviction and also do the physical moving of property. There would be a need for an established protocol between the Court of Kahnawà:ke and the Peacekeepers explaining further that it could be a Bailiff's responsibility to carry out actual evictions and the Peacekeepers responsibility to ensure public safety. Kevin Fleischer made mention of Section 24.1 as a reminder of due process where enforcement would be carried out only where there is a court order from the Court of Kahnawà:ke.

A motion was presented for the inclusion of an additional section concerning suspension of membership in relation to the sale of land to an individual not on the Kanién'kehá:ka of Kahnawà:ke Registry. The facilitator advised that this should be addressed and made public to the community as an amendment for the second hearing of the Law. It was conveyed that the Lands Unit only processes land transactions for those individuals currently on the Kanién'kehá:ka of Kahnawà:ke Registry. However, it was clarified that people on the Federal list may sell or purchase Kahnawà:ke lands via the INAC offices in Gatineau or Quebec City. Currently the MCK Lands Unit has no control over these private sales.

Inquiry was raised about the February 2017 deadline date mentioned during the Special Community Meeting on Membership & Residency. Chief Kahsennenhawe Sky-Deer expressed that further amendments are being made to the Indian Act concerning third generation women who lost their Native rights due to gender discrimination. Any of these individuals along with their children having ancestry to Kahnawà:ke, technically under the Indian Act, will have the right to own land and reside on the Territory. She stressed the urgency for a Kahnawà:ke Residency Law. The final **Section 30 Enactment and Coming into Force** was referenced to note that this is a standard clause where a (date and MCK

Resolution #) will eventually be added. Also, noted was that the proposed amendment may not be required.

At the conclusion of the meeting Keisha Goodleaf volunteered *and was unanimously accepted by the community members* present as the new Drafting Team Community Representative. Keisha replaces Arlene Jacobs, elected to Council in 2015.

Approved by:

\_\_\_\_\_  
Rose-Ann Morris, Registrar

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Date

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Chief Kahsennenhawe Sky-Deer

\_\_\_\_\_  
Date