

MOHAWK COUNCIL OF KAHNAWÀ:KE

Second 30-Day Community Review Report

Draft Amendments to the 2000 Sanitary
Conditions Law

Kenténha/October 2011



The second 30-day community review of the draft amendments to the 2000 Sanitary Conditions Law was a requirement by the Kahnawà:ke Legislative Coordinating Commission and Community Decision Making Process. The second 30-day review period was conducted by the Ohontsa'shòn:'a Roterihwatsterítha/Lands Unit from September 19 – October 18, 2011

**Draft Amendments to the Sanitary Conditions Law
Second 30-Day Community Review Period Feedback
Analysis Report**

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1. INTRODUCTION

The 30-day community review process is part of the Community Decision Making Process (CDMP) for Type II legislation. This is the first Type II legislation to use the CDMP. As the originator who made a request for the 2000 Sanitary Conditions Law to undergo amendment, the Director of Lands, the Research & Policy Analyst/Developer and the Coordinator of the Environment Protection Department worked with the Kahnawà:ke Legislative Coordinating Commission Coordinator to follow the CDMP for Type II legislation.

The Kahnawà:ke Legislative Coordinating Commission (KLCC) identified the CDMP requirement for the originator to conduct a second 30-day community review following the first Legislative Session and preceding the second community reading. The following pages will describe logistics for this 30-day process, present feedback data and recommendations.

This report will be distributed by the Research & Policy Analyst/Developer of the Lands Unit to the Lands Unit Directorate and Environment Protection Department Coordinator, and the KLCC Coordinator.

2. 30-DAY REVIEW LOGISTICS

The Lands Unit was responsible for the 30-day community review process, the associated planning, communications, implementation and a feedback report and functioned independently of the Kahnawà:ke Legislative Coordinating Commission whose contributions were the implementation of their minimal communications regarding logistics of the 30-day community review.

The amendments drafted by the Lands Unit and MCK Legal Services were in response to the 30-day community review in April 2011, a First Reading in May 2011 and the Legislative Session held in 2 parts, June 21 and September 5, 2011. Draft amendments were accepted by Legislative Body on September 5, 2011.

This second 30-day community review included a cover sheet describing rationale for the draft amendments, background points and notation that all changes to the *Law* were highlighted in the copy being sent out for review. The cover sheet also pointed out specifically the changes since the last 30-day community review in April 2011. This information cover sheet is attached to this report.

Two persons from the Lands Unit were named to be the contacts for community feedback. A communications strategy was developed and implemented by the Environment Protection Department. All communications were tracked by the Environment Protection Department.

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A request to the KLCC Coordinator to post the draft SCL and cover sheet on their web site was sent via e-mail on September 9, 2011 and the amended draft version 12 was posted on www.kahnawakemakingdeicisions.com on September 19, 2011.

Two locations were organized for community member pick up of hard copies at the MCK main reception and the reception area for the Capital Unit. Managers of these areas approved use for the 30 days, from **September 19 – October 18, 2011**. Each reception area was provided with a file folder with reference information and copies of the draft amendments to the Sanitary Conditions Law with its cover sheet. At the beginning of each week, needs for additional copies were determined. The outcome was that no additional copies of the document in either location were needed during the 30-day period.

3. FEEDBACK TABLE

At the end of the 30-day review period, the two reception areas for document pick-up had the remainder of copies counted to determine the total number of document accessed. The MCK Communications Officer assigned to this file tracked the number of times the link to the document was opened on the web site, www.kahnawakemakingdeicisions.com. These numbers are presented in the table below.

Table 1: Tracking of Document Pick-up or Web Site Review

Method of Document Access	Number Count
Hardcopy pick-up from two MCK reception areas and the Lands Unit Research & Policy Analyst/Developer Office	5
Use of www.kahnawakemakingdeicisions.com site to view the document posted	75
TOTAL number of document access tracked	80

The Lands Unit Research & Policy Analyst/Developer received community feedback via telephone. The community feedback received during the 30-day community review period is summarized and presented in Table 2 on the following page.

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Table 2: Feedback Received During the 30-day Community Review Period: September 19-October 18, 2011

Date/Mode of Receipt	Summarized Feedback	Relation to Draft Amendments/Response
Telephone call September 21, 2011	Caller stated he understood about environment protection and supports/acknowledges all the work done by Lands. He thinks this will pass but did not read through the whole thing. He stated he has and continues to have a problem with the CDMP – the MCK says one thing and does another (re: only having one community reading then decides to have more after the first reading) – refers to the CDMP process as “their logic” to control everything –no chance for the people. Refers to a communistic society and is against the type 2 process and wants the same process for all (laws). Recommended a larger room for the next reading – maybe KSCS.	Advised to read the draft law that responded to feedback from April and May 2011 that was in our scope. Emphasize the changes from only one community reading to up to three was in response to community voice.
Telephone call October 17, 2011	Asks a question on section 14, Signs and how this effects prevention services for KSCS.	Discuss enforcement of this law since 1968. Assure that it likely will not be any problem for his organization and advised to document via e-mail to the Lands Portfolio Chief lead to state that this section will not be a deterrent or a problem. Acknowledge the need to update the law – reference past recommendation to place the entire law in a subsequent legislative calendar for full review and updating.

4. FEEDBACK ANALYSIS

Community participation was observable in the 80 persons accessed the document or contacted the Lands Unit for comments/clarification. Direct contact method was via telephone and both were male callers. Through tracking of copy pick-up and web site access, the number of times the draft amendments to the Sanitary Conditions Law (SCL) was accessed during the review period represents a eighty-six percent (86%) decrease in participation.

The participatory rate decrease could be linked to satisfaction with amendments or non-interest in the Sanitary Conditions Law because of non-applicability to an individual. It is important to note that there were no objections to the amendments for the protection of our environment and lands from potential contamination.

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5. RECOMMENDATIONS

The scope approved by Chief & Council in Enniska/February 2011 was *for amendment of the 2000 Sanitary Conditions Law to update relevant definitions, provide authority to the MCK to adopt regulations and give permits under the Law for any operation that will increase the potential for environmental contamination and risk to public health and safety, provide additional penalties for offences under this Law and to identify expanded authorities for inspectors*. It is recommended to uphold the Lands Unit mandate and scope for amendment.

If the second 30-day review is indicative of feedback to any future draft document, then a third 30-day review is not recommended. Proceeding to a third reading is recommended to be most effective in terms of time and cost.

It is recommended to place this Law following an amendment in 2011 into the next legislative calendar for a more comprehensive review in the area of public health and safety. The existing community feedback is written in the First 30-day Community Review report dated Onerahtohkó:wa/May 2011.

6. CONCLUSION

The use of the Community Decision Making Process by the Lands Unit for amendment to the Sanitary Conditions Law has given participants many new experiences and challenges. These experiences and challenges demonstrate that, although the CDMP is deemed “evolving in nature”, the process can work for our community.

The Lands Unit is satisfied with the status of the draft amendments to date and are prepared, once enactment occurs, to proceed with the development of regulations for Demolition Waste Recycling operations and a permits and monitoring system for this file.

Respectfully submitted by,

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