
THE
KAHNAWÀ:KE
PUBLIC
SAFETY
COMMISSION
MANDATE

PSC Mandate 2017

Public Safety Commission

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GOVERNING MANDATE OF THE
KAHNAWÀ:KE PUBLIC SAFETY COMMISSION

Adopted:
Amended:

WHEREAS the Mohawk Council of Kahnawà:ke (hereinafter the “MCK”), through MCR No. 137/1987-88 authorized the formation of a Kahnawà:ke Safety Committee to ensure the health, safety and physical well-being of Mohawks in the work place, community and home in the territory.

WHEREAS the Mandate was further amended through MCR No. 59/1993-94 that specified the composition, terms of office and functions needed to ensure the safety and **physical well-being of the Mohawks in the work place, community and home in the Territory.**

WHEREAS the Mohawk Council of Kahnawake Organizational Review conducted in 2012 determined a need for a division of authority between Justice and Public Safety with an emphasis on centralized collaboration between the Public Safety service providers of the community.

WHEREAS the Kahnawà:ke Safety Committee as outlined in MCR No. 59/1993-1994 is hereby rescinded and replaced with this MCR #2017-2018, known as the Kahnawà:ke Public Safety Commission” (hereinafter referred to as the “KPSC”) .

KAHNAWÀ:KE PUBLIC SAFETY COMMISSION

1. It is hereby confirmed that there is a Commission established by the MCK, through MCED: # 2017-2018 called the Kahnawà:ke Public Safety Commission (hereinafter referred to the “KPSC”).

MANDATE

2. The KPSC will establish an integrated approach to Public Safety to ensure that the safety and physical well-being of the public is achieved through the delivery of prevention strategies, advocacy/education and strategic planning of issues related to Public Safety within the Mohawk Territory of Kahnawà:ke including Tiowero:ton (hereinafter referred to as the “Territories”).

RESPONSIBILITIES

3. The KPSC will be responsible to direct and implement the following activities;
 - 3.1. Ensure policy is in place to deliver well organized collaborative service plans between Kahnawake's safety services that outline response, mitigation, preparedness and recovery strategies.
 - 3.2. Conduct assessments and participate in discussions with Federal, Provincial, Municipal and First Nations Governments on existing or proposed legislation and policy that would impact the service delivery of Public Safety providers within the Territories.
 - 3.3. Ensure the collaboration of safety inspection services operating within the Territories.
 - 3.4. Developing policies on matters related to Strategic planning of Public Safety Providers and services for the coordination of comprehensive prevention, mitigation, preparedness, response and recovery planning initiatives related to the Territories.
 - 3.5. Develop a Kahnawà:ke Public Safety Act.
 - 3.6. Act as leaders in the area of Public Safety Education, Awareness and Prevention within the community, by remaining proactive, educated, trained and up to date on all the latest technology, protocols, and changes in Federal, Provincial and First Nations laws and protocols pertaining to Public Safety.
 - 3.7. Ensure the development of interdepartmental protocols that will govern collaborative prevention strategies, planning of emergency responses and public education and awareness campaigns.
 - 3.8. Ensure policies and procedures related to the overall collaboration of Public Safety Services are developed and implemented.
 - 3.9. Maintain an up to date central web site (Kahnawà:ke Public Safety Commission) to ensure transparency on relevant information on studies, policies, initiatives and other relevant links related to various areas of Public Safety.
 - 3.10. Ensure all necessary protocols are in place with neighboring emergency management services.
 - 3.11. Identify training opportunities and requirements to enhance all emergency response capabilities and capacities within the Territory.
 - 3.12. Responding to gaps and overlaps concerning Public Safety issues and directing it to the appropriate agency for resolution.

COMPOSITION OF THE COMMISSION

4. The KPSC will consist of eight (8) voting members and one (1) non-voting member to be appointed by Council via a Mohawk Council Executive Directive (MCED). The members of the Commission shall consist of:
 - 4.1. The Commissioner of Public Safety.
 - 4.2. Chief Peacekeeper of the Kahnawà:ke Peacekeepers.
 - 4.3. Fire Chief of the Kahnawà:ke Fire Brigade.
 - 4.4. Public Safety Corrections Services.
 - 4.5. The Director of Kahnawake Public Works Department.
 - 4.6. The Director of Kahnawake Shakotiaa'takehnhas Community Services (KSCS).
 - 4.7. The Manager of Emergency Preparedness and Planning.
 - 4.8. The Director of Public Safety.
 - 4.9. The Mohawk Council of Kahnawake Public Safety Portfolio Chief (non-voting).

CHAIRPERSON

5. The Commissioner of Public Safety is the Chairperson of the Commission and will preside over all meetings of the Commission. **The Chairperson will preside over meetings of the Commission and will ensure the Commission follows the principles and procedures contained within in this mandate, including all future operating procedures consistent with this mandate.** In the absence of the Commissioner of Public Safety; the remaining attendees will select from amongst themselves an acting Chairperson for that meeting.

AUTHORITY

6. The KPSC has the authority to;
 - 6.1. To approve Public Safety initiatives and projects brought forth by the Chairperson in support of the delivery and administration of Public Safety within the Territory of Kahnawake.
 - 6.2. Mandate the Commissioner of Public Safety to implement approved initiatives and projects.
 - 6.3. Sponsor or support conferences, seminars, publication of educational materials and any other initiatives aimed at increasing the understanding of Public Safety within the Territory.

TERM OF OFFICE

7. The Commission Members position remains indefinite until dissolved or modified by the Mohawk Council of Kahnawà:ke .

ADVISORY, AD HOC AND SUB-COMMITTEES

8. The Commission may, create one (1) or more Advisory, Ad Hoc or Sub-Committees to provide recommendations, information, advice or any other assistance as the Commission may require in order to perform its functions; which may include any resource person within the Mohawk Council of Kahnawà:ke .
 - 8.1. Any Advisory, Ad Hoc or Sub-Committee mandated by the Commission will be required to report to the KPSC at regularly scheduled intervals or upon request.

ANNUAL REPORT

9. Within three months after the end of each fiscal year, the KPSC shall submit to Chief & Council an annual report of the activities.

MEETINGS

10. The KPSC will meet a minimum of ten (10) times per year and may schedule other meetings and activities in accordance with its operating procedures or as may be necessary.

DECISION MAKING

11. There must be quorum (majority) of five (5) Members present, one of who must be the Chairperson, for a duly convened meeting to be held for a formal decision to be made.
 - 11.1. The KPSC will attempt to achieve consensus when making decisions. When consensus cannot be reached following good faith efforts the KPSC will then proceed by vote.
 - 11.2. Unless stated within policy all decisions to proceed by vote must be reached by a majority of the Members present and only by those Members who have not abstained from voting due to a conflict of interest.

CONFIDENTIALITY

12. All KPSC Members will be required to sign a Confidentiality Agreement in relation to information they may be privy to during the course of their mandate as Member of the Public Safety Commission.

CONFLICT OF INTEREST

13. All members of the Commission shall disclose all conflicts of interest immediately and remove themselves promptly from any and all discussions regarding such interest, and also shall withdraw from taking any decisions or voting in regard to the disclosed interest, whether it be perceived , personal, potential, direct or indirect conflict of interest.

POLICY DEVELOPMENT

14. The Commission may create policy and procedures respecting the administration of the Commission consistent with the present Mandate and the laws of the Mohawk Territory of Kahnawà:ke.

INDEMNIFICATION AND EXONERATION OF COMMISSIONERS

15. Each Member is deemed to have accepted their position on the Commission upon the express understanding that he/she, his/her, heirs, executors, and administrators shall at all times be indemnified and saved harmless out of the funds of the MCK from and against all costs, charges, and expenses which he/she may sustain or incur with respect to any claim, action or proceeding which may be made, commenced or prosecuted against him/her arising from any act, deed, omission, matter or thing which may be made, done, or permitted by

him/her in the execution of his/her duties as a Member, except such costs, charges, or expenses which arise through his/her own gross negligence, willful negligence or error.

AMENDMENTS

- 16.** The Commission may amend, by resolution, all rules and operating procedures that it adopts. All amendments to the mandate must be ratified via a Mohawk Council Executive Directive (MCED).

EXECUTIVE SUMMARY FOR THE KAHNAWAKE SAFETY COMMISSION MANDATE

In 2012 the Mohawk Council of Kahnawake Organizational review initiative examined the administrative and operational units of the Mohawk Council to determine how various alignments and adjustments could be made to improve the overall administrative governance and service delivery to the community.

Since that time, many operational focus groups took place within the units and among the Executive Team, Unit Directors and employees of the organization to assess how services could be improved through realignment and or adjustment. It was identified that a need existed to differentiate Public Safety from Justice in order to practice good governance, provide greater clarity of responsibilities and avoid possible conflict of interest that may exist by housing adjudication and enforcement services under the same administrative umbrella. A re-alignment of services began in 2015 whereby the Justice Commission Mandate was re-constituted and enforcement entities such as the Kahnawake Peacekeepers and Parole Supervision were removed in order to focus entirely on the delivery of Justice Services (Approved in Principle by Chief and Council in May 2017). Public Safety Services also re-aligned to now include the Kahnawake Peacekeepers, Public Safety (including inspectors), Emergency Management, Kahnawake Fire Brigade, Public Works and Corrections (Parole Supervision and reintegration services). The administration of Justice is now overseen by a Commission comprised of community representatives and key Justice Personnel whose main responsibility is to deliver and administer fair, impartial and independent mediation, arbitration and adjudicative services for Kahnawake's Justice System. The Public Safety Commission mandate has now been drafted with specific functions to be overseen by personnel identified by position that represent their sphere of public safety related activity.

The administrative split between Justice and Public Safety is deemed necessary for the practice of good governance by separating, through law and regulations, enforcement and adjudication services. It is fundamental that 'checks and balances' of governance are established to prevent the exercise of arbitrary powers by each of the branches. The split between Public Safety and Justice eliminates uncertainties of responsibilities and clarifies the delivery of services through established laws and regulations. Both Public Safety and Justice will be regulated independently by qualified personnel who will administrate services based on accountable, fair, open and transparent standards. This will also promote more effective community and client based services by having independent mandates, scopes of authority, legislation, regulations and personnel.

Further, the current proposed Public Safety Commission mandate fulfills #5 of Chief and Council's political priorities and principles found in the 2017/2018-2021/2022 strategic action plan, by providing a Public Safety Authority, herein after, referred to as the Kahnawake Public Safety Commission (KPSC) empowered to perform many responsibilities, with a primary focus to "Legislate and enforce community wide public safety and enhance Emergency Preparedness within the community including developing and implementing a Public Safety Act and finalizing a Public Safety Commission Mandate". The enclosed document was drafted to create a Commission with specialized authority and scope of responsibilities to carry out these functions and to address global Public Safety issues within the community, while focusing on the delivery of high quality and effective services through collaboration and education within the community.

It has been identified that the Public Safety Commission requires independent focus and empowerment to drive legislation, enforce community wide safety and enhance Emergency Management within Kahnawake. As a result, the Public Safety Commission Mandate provides that empowerment and sets the standards needed to bring Public Safety to a higher level of service for the community.

PARTNERS

