

Mohawk Council of Akwesasne

Akwesasne Legislative Commission Charter

As approved by: MCR 2017/2018-#004

Dated: March 22, 2017

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MISSION

The mission of the Akwasasne Legislative Commission is to oversee, receive community input and provide community guidance and direction in the development of Akwasasne Laws. In doing so, the Akwasasne Legislative Commission shall endeavor to protect the collective rights of the Mohawks of Akwasasne with specific instructions to maintain a good mind, acting in accordance with the principles of peace, respect and fairness.

The Akwasasne Legislative Commission shall consider and balance the diversity of perspectives within the Akwasasne community when developing Akwasasne Laws.

1.0 Title

1.1 This Charter may be referred to as the “Akwasasne Legislative Commission Charter or the “Charter”.

2.0 Definition

2.1 In this Charter:

“**Akwasasne Justice Department**” means the administrative body under the Council;

“**Akwasasne Justice Department Director**” means the administrative position within the Akwasasne Justice Department responsible for the overall daily operations of the department;

“**Akwasasne Law**” means a law or code enacted by the Mohawk of Akwasasne;

“**Akwasasne Legislative Enactment Regulation**” means the Regulation establishing the procedure for enactment and coming into force of Akwasasne Laws;

“**Akwasasne Legislative Commission**” means the body established by the Mohawks of Akwasasne for the purposes set out in this Charter;

“**Akwasasne Review Commission**” “**Akwasasne Review Commission**” means the body established by Charter for the purposes set out in the Charter which included the appointment and determination of remuneration for Ratiianerenhserakweniéhstha (Justice) and Teshatiia'toréhstha (Appeal Justice), and the oversight, including the hearing of complaints against a Ratiianerenhserakweniéhstha (Justice) and Teshatiia'toréhstha (Appeal Justice);

“**Annual Planning Meeting**” means a meeting held once a year where the Akwasasne Legislative Commission provides direction on prioritizing Council's lawmaking needs;

“**Business Interest**” means any financial involvement in a business;

“**Charter**” means a document approved by Resolution that establishes a decision-making body and sets out its mandate, responsibilities and other matters related to its operation;

“**Council**” means the Mohawk Council of Akwasasne as duly elected pursuant to the *Akwasasne Election Law*;

“District” is any of the following areas:

- a) Kawehno:ke (Cornwall Island) and any island within the Territory of Akwasasne in Ontario; or
- b) Kana:takon (St. Regis Village) and Enskatsitkahwenote (St. Regis Island); or
- c) Tsi Snaihne (Chenail/Syne) and any other island within the Territory of Akwasasne in Quebec save and except Enskatsitkahwenote (St. Regis Island);

“Ex Officio member” means the elected Chief(s) holding the Justice Portfolio position within Council, that allows them to be part of the Akwasasne Legislative Commission automatically;

“Information Meeting” means a meeting held in a District for the purpose of information and dialogue with community members on a specific issue and no Resolutions are passed at the meeting;

“Immediate Family” means spouse, parent, parent-in-law, grandparent, brother, sister, child (including adopted children or those living as a child), grandchildren, or any of their spouses;

“Justice Coordinator” means the administrative position within the Akwasasne Justice Department responsible for providing support services and assistance in the implementation and continued legislative development.;

“Member” means a person who is enrolled on the Akwasasne Membership roll under the *Akwasasne Membership Code*, but does not include probationary Members;

“Member- at- Large” means a represented to sit as a Akwasasne Legislative Commission member:

- a) who represents Akwasasne; and
- b) who must primarily reside in the area known as “Akwasasne” either North or South.

“Public Comment Session” means an annual public meeting held to discuss the legislative development initiatives and obtain community input into the proposed annual operating plan of the Akwasasne Justice Department concerning legislation;

“Public Meeting” means:

- a) Information Meetings as defined by the Akwasasne Legislative Enactment Regulation;
- b) Special General Meetings and General Meetings as defined by the *Mohawk Council of Akwasasne Procedural Regulation*;

“Quarterly Meeting” means a meeting of the Akwasasne Legislative Commission held 4 times a year to update the operating plan and provide direction on legislative development;

“Quorum” means the minimum number of Akwasasne Legislative Commission members that must be present to officially transact business as outlined in this Charter;

“Regulation” the document, duly passed by Resolution of Council that contains the provisions to administer an Akwasasne Law or Charter;

“Resolution” means a Mohawk Council Resolution (MCR) formally adopted by the Mohawk Council of Akwasasne pursuant to its governing authority; and

“Working Session” means a meeting of the Akwasasne Legislative Commission held to review and provide direction on individual legislative development initiatives.

3.0 Principles, Purpose & Responsibilities

3.1 Principles – The Akwasasne Legislative Commission shall develop Akwasasne Laws reflecting:

- a) the collective rights, values, customs and cultural principles of the Mohawks of Akwasasne;
- b) the principles of natural justice; and
- c) the diversity and balancing the perspectives within the community.

3.2 Purpose – The Akwasasne Legislative Commission will:

- a) establish law-making priorities according to the needs of Akwasasne and develop a community plan for legislative development;
- b) guide the development of legislation for the Mohawk Council of Akwasasne;
- c) engage Akwasasnonon with consultation and feedback in legislative development;
- d) participate in community forums and designated Public Meetings to inform the community of legislative development progress and gather the perspectives of the community;
- e) participate in legislative drafting by discussing recommendations;
- f) review all proposed Akwasasne legislation;
- g) comply with the Akwasasne Legislative Enactment Regulation or its successor; and
- h) will clarify a clause in an Akwasasne Law when clarification is needed.

3.3 Responsibilities – The Akwasasne Legislative Commission members must be willing to listen to diverse community comments, formulating a balance of community opinion and communicating the Akwasasne Legislative Commission perspective within the community.

3.4 The Akwasasne Legislative Commission members appointed to a District must represent their District.

3.5 An Akwasasne Legislative Commission member shall discharge responsibilities in a manner consistent with the Akwasasne Legislative Commission Charter, the Akwasasne Legislative Commission Regulation, their Oath of Appointment and the Akwasasne Legislative Enactment Regulation or its successor.

3.6 The Akwasasne Legislative Commission has the authority in relation to a matter before it, to request the participation and attendance, during their regular work schedule, of any person employed by Council. The Akwasasne Legislative Commission member must

have the approval of the supervisor, providing permission is granted, to participate and attend the meetings of the Akwasasne Legislative Commission.

- 3.7** The following positions shall serve as a liaison between the Akwasasne Legislative Commission and Council for law development and are not counted as Quorum:
- a) Justice Coordinator;
 - b) Ex-Officio member; or
 - c) a designate of the Akwasasne Justice Department.
- 3.8** Members of the Akwasasne Legislative Commission shall be routinely available, at reasonably scheduled times, to meet with and hear the concerns of the community.
- 3.9** At least 1 Akwasasne Legislative Commission member from each of the 3 Districts shall attend Public Meetings for the purpose of community consultation and information sharing.
- 3.10** The Member who is selected as the representative “At Large” can be counted to represent any District.
- 3.11** Failure to meet the provision in subsection 3.9 shall not negate a step in the Akwasasne Legislative Enactment Regulation.

4.0 Akwasasne Legislative Commission Qualifications

- 4.1** To qualify for appointment to the Akwasasne Legislative Commission a person shall:
- a) be a Member;
 - b) have knowledge of Mohawk cultures and traditions;
 - c) have good character, credibility and reputation in the Akwasasne community;
 - d) have good communication skills;
 - e) be “in good standing” as defined in the *Akwasasne Good Standing Policy*;
 - f) not be a Council member of the Mohawk Council of Akwasasne; the Saint Regis Mohawk Tribal Council; or, the Mohawk Nation Council of Chiefs;
 - g) never have been convicted of an offense under the *Akwasasne Banishment Law*, the *Akwasasne Drug Law*, an indictable offense in Canada or a felony in the United States;
 - h) produce to the Director of the Akwasasne Justice Department a valid certificate from the Canadian Police Information Centre (CPIC);
 - i) attend and actively participate in training deemed essential for the successful operation of the Akwasasne Legislative Commission;
 - j) attend regularly scheduled Akwasasne Legislative Commission meetings to conduct business and attend Public Meetings as scheduled;
 - k) maintain residence in their District during tenure or maintain residence in Akwasasne as a Member; and
 - l) sign the Oath of Appointment within 30 days of appointment.

- 4.2** Selection to be a member of the Akwasasne Legislative Commission shall be made after a public call out.
- 4.3** The qualifications will be based on the information provided in the completed application package Scheduled “B” in order to be an Akwasasne Legislative Commission member pursuant to subsection 4.1.
- 4.4** The Akwasasne Justice Director and the Justice Portfolio Chief(s) will have the discretion as it relates to eligibility of an appointment based on the completion of Schedule “B”.
- 4.5** Akwasasne Legislative Commission members shall be appointed by Council in accordance with the selection process outlined in the Akwasasne Legislative Commission Regulation.
- 4.6** **Ex Officio member** – The qualification requirements do not apply to Ex Officio members who sit with the Akwasasne Legislative Commission and they are not entitled to vote.
- 4.7** **Reappointment** – A former Akwasasne Legislative Commission member who has not been removed pursuant to section 12.0 may re-apply for appointment as an Akwasasne Legislative Commission member provided they are deemed eligible pursuant to subsection 4.1.
- 4.8** **Temporary Appointments** – Qualified persons may be appointed on an interim basis as a temporary Akwasasne Legislative Commission member by Council to conduct Akwasasne Legislative Commission business where a member has had their appointment removed in accordance with this Charter or Quorum could not be met due to Conflict of Interest.
- 4.9** The person(s) appointed as a temporary member(s) shall take the Oath of Appointment.
- 4.10** A temporary Akwasasne Legislative Commission member shall discharge their responsibilities in a manner consistent with the Akwasasne Legislative Commission Charter, the Akwasasne Legislative Commission Regulation and their Oath of Appointment and the Akwasasne Legislative Enactment Regulation.
- 4.11** In no case shall a temporary appointment exceed 1 year in length without a public call out for interested persons to apply for that vacancy.

5.0 Akwasasne Legislative Commission Composition

- 5.1** The Akwasasne Legislative Commission shall consist of 7 members with:
- a) 2 Members from each District; and
 - b) 1 Member, at large, who is a Member of the Mohawks of Akwasasne.

6.0 Term of Office

- 6.1** Akwesasne Legislative Commission members shall be appointed for an initial term of 3 years and may be reappointed to a term of 5 years thereafter.

OATH UPON ACCEPTING APPOINTMENT

- 6.2** Akwesasne Legislative Commission members shall take the Oath of Appointment within 30 days.
- 6.3** Each Akwesasne Legislative Commission member, before beginning their duties, will take and subscribe to the Oath Upon Accepting Appointment in the form attached as Schedule “A” hereto, before an official authorized to administer oaths.
- 6.4** No material will be made available to the newly selected Akwesasne Legislative Commission member until the person has taken the Oath of Appointment.

7.0 MEETINGS TO CONDUCT BUSINESS

- 7.1** Akwesasne Legislative Commission meetings as identified in section 7.0 shall be coordinated by the Justice Coordinator to ensure compliance with the Akwesasne Legislative Commission Regulation.
- 7.2** Conducting of business at meetings shall be in accordance with the Akwesasne Legislative Commission Charter and Regulations.
- 7.3** Ex Officio member(s) are the Akwesasne Legislative Commission liaison to Council and may attend any meeting of the Akwesasne Legislative Commission as an observer.
- 7.4** **Public Comment Session**– The Akwesasne Legislative Commission shall schedule and attend 1 mandatory Public Comment Session to prioritize the areas for legislative development to be captured in the Annual Planning Meeting.
- 7.5** 30 days prior to holding the Annual Planning Meeting Akwesasne Legislative Commission shall hold the Public Comment Session to gather the perspectives and input of the community into legislative planning and prioritization.
- 7.6** Quorum at the Public Comment Session shall consist of the lead member of Akwesasne Legislative Commission representing their district and 2 other district representatives that are currently appointed Akwesasne Legislative Commission members in accordance with the Akwesasne Legislative Commission Regulation.

- 7.7 Annual Planning Meeting** – The Akwasasne Legislative Commission shall schedule and attend 1 mandatory Annual Planning Meeting to prioritize the areas for legislative development, to be captured in the Akwasasne Justice Department operating plan.
- 7.8** Quorum at the Annual Planning Meeting shall consist of all currently appointed Akwasasne Legislative Commission members in accordance with the Akwasasne Legislative Commission Regulation.
- 7.9 Quarterly Meeting** – The Akwasasne Legislative Commission shall meet with the Justice Coordinator at least 1 time each fiscal quarter to review all on-going development of proposed Akwasasne Laws and to update the annual work plan.
- 7.10** Quorum at the Quarterly Meeting shall consist of a minimum of 4 Akwasasne Legislative Commission members.
- 7.11 Working Sessions** – Working Sessions of the Akwasasne Legislative Commission shall take place 2 times per month, at a minimum, to review the development of proposed Akwasasne Laws.
- 7.12** Quorum at a Working Session shall consist of a minimum of 3 Akwasasne Legislative Commission members.
- 7.13** Where multiple Akwasasne Laws are being developed, the Quarterly Meeting and Working Session(s) may be combined into 1 meeting provided that quorum requirements are met for each meeting type.

8.0 Communication with the Public

- 8.1** The Akwasasne Legislative Commission shall establish a process where a Member may anonymously submit information concerning the direction of legislative development or make comments related to any draft law before the community.
- 8.2** An Akwasasne Legislative Commission member may share with the Akwasasne Legislative Commission, information submitted anonymously, provided the information being shared is redacted to protect the identity of the source.
- 8.3** The Akwasasne Legislative Commission shall establish and maintain a register for Members to give their contact information in order to receive updates on law-making in Akwasasne.
- 8.4** Akwasasne Legislative Commission members shall not release any other confidential information received by them such as drafts of Akwasasne Laws, unless approved by the Akwasasne Legislative Commission for public release.

9.0 Honorarium

- 9.1** Akwasasne Legislative Commission members shall receive an honorarium for attending a duly convened meeting of the Commission.
- 9.2** Honorarium will be established by the policy authorized by Resolution.

10.0 Immunity

- 10.1** Akwasasne Legislative Commission members referred to in this Charter shall forever be immune from liability arising from their position, provided that the Akwasasne Legislative Commission member acted in good faith and in accordance with this Charter and Akwasasne Legislative Commission Regulation.

11.0 Conflict of Interest Rules

- 11.1** Akwasasne Legislative Commission members shall avoid a conflict of interest and not participate in or work on the identified file, unless all of the unaffected Akwasasne Legislative Commission members agree to allow it.
- 11.2** A conflict of interest arises in any situation where an Akwasasne Legislative Commission member or their Immediate Family has a personal or Business Interest that could directly benefit from or by the legislative work being conducted by the Akwasasne Legislative Commission.
- 11.3** Procedures for dealing with a conflict of interest shall be established by the Akwasasne Legislative Commission Regulation.
- 11.4** The Akwasasne Review Commission has jurisdiction over any question on the conflict of interest for an Akwasasne Legislative Commission member.

12.0 Removal and Complaints

- 12.1** An Akwasasne Legislative Commission position is automatically considered vacant where a member:
- a) dies;
 - b) resigns by sending written notice to the Justice Coordinator , a copy of which will be provided to each Akwasasne Legislative Commission member;
 - c) is convicted of an indictable offense in Canada or a felony in the United States;
 - d) is convicted under the *Akwasasne Drug Law* or the *Akwasasne Banishment Law*;
 - e) is no longer in “good standing” under the *Akwasasne Good Standing Policy* for a period of 30 days or longer;
 - f) fails or refuses to sign the Oath of Appointment within 30 days of their appointment;

- g) becomes a Council member of the Mohawk Council of Akwasasne; or to the Saint Regis Mohawk Tribal Council; or, the Mohawk Nation Council of Chiefs;
- h) no longer a resident in the District they represent; or
- i) a member who's appointment is "at large" moves from Akwasasne

12.2 Upon receiving written notice that any circumstances described in subsection 12.1 of this Charter has occurred and Council shall, by Resolution, immediately rescind the appointment of that individual as a member of the Akwasasne Legislative Commission.

12.3 An Akwasasne Legislative Commission members may be removed where he or she:

- a) fails to attend the Annual Planning Meeting without reasonable excuse;
- b) fails to attend 2 consecutive Quarterly Meetings without reasonable excuse;
- c) is consistently absent from the Working Sessions without a reasonable excuse;
- d) fails to abide by Oath of Appointment; and
- e) fails to attend the Public Comment Sessions.

12.4 In accordance with subsection 12.3 of this Charter, removal of the Akwasasne Legislative Commission member can be appealed to the Akwasasne Review Commission.

12.5 Upon receiving notice from the Akwasasne Legislative Commission that a member of the Akwasasne Legislative Commission has been removed in accordance with subsection 12.3, then Council shall, by Resolution, immediately rescind the appointment of the Akwasasne Legislative Commission member.

12.6 The Akwasasne Review Commission has jurisdiction to resolve an appeal made regarding the removal of an Akwasasne Legislative Commission member under this section.

12.7 The decision of the Akwasasne Review Commission in subsection 12.6 of this Charter is final.

13.0 Amendments

13.1 Any changes to this Charter shall be made by Resolution and will take effect on the date of the Resolution or such date as specified in the Resolution.

Schedule "A"

FOR THE MOHAWK TERRITORY OF AKWESASNE
AKWESASNE LEGISLATIVE COMMISSION

OATH OF APPOINTMENT

I, _____, do solemnly swear/affirm that I accept my position as
a _____ (District/ At Large) Akwesasne Legislative Commission member with full respect for the
Mohawks of Akwesasne.

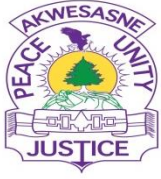
- a) I will strive to serve the Mohawks of Akwesasne faithfully, honestly and with integrity: I will not bring disgrace upon the Mohawks of Akwesasne.
- b) I will faithfully and impartially carry out the duties of an Akwesasne Legislative Commission member to the best of my ability and will be mindful of the best interests of the Mohawks of Akwesasne.
- c) I will uphold the collective aboriginal and treaty rights of the Mohawks of Akwesasne.
- d) I will uphold the "Respect in the Workplace Policy".
- e) In the performance of my duties, I will adhere to the provisions set out in the Akwesasne Legislative Commission Charter and Regulation and will bring forth any changes made in my circumstance that may impact my continued eligibility.
- f) I reside in the district of from which the Akwesasne Legislative Commission seat is being appointed.
- g) I will attend meetings in accordance with this Charter.

Ehtho Niiotonhak Ne Onkwa'nikon:ra (Let it be that way in our minds)

Sworn/affirmed before me in the)
Territory of Akwesasne)
this ___ day of _____)
in the year _____.

Commissioner of Oaths, etc.

Akwesasne Legislative Commission member



AKWESASNE LEGISLATIVE COMMISSION

Akwesasne Legislative Commission Application

Applicant Information

Full Name: _____ DOB: _____
Last First M.I.

Mailing Address: _____
Address Apartment/Unit #

City Province / State Postal Code/ Zip Code

(if applicable)

Physical Address: _____
Address Apartment/Unit #

City Province/ State Postal Code/ Zip Code

Home Phone: _____ Email: _____

Cell Phone: _____

Status Card # _____

Residing District

Kawehno:ke (Cornwall Island) Kana:takon (Saint Regis) Tsi Snaihne (Snye)

Member at Large

Disclaimer and Signature

I am a Member of the Mohawks of Akwesasne and I have knowledge of Mohawk cultures and traditions. I have good character, credibility and reputation in the Akwesasne community.

I have good communication skills and I am “in good standing” as defined in the Akwesasne Good Standing Policy.

I am not an elected member of the Mohawk Council of Akwesasne, the Saint Regis Mohawk Tribal Council, or a Chief from the Mohawk Nation Council of Chiefs. I have never have been convicted of an offense under the Akwesasne Banishment Law, the Akwesasne Drug Law, an indictable offense in Canada or a felony in the United States.

I am willing to attend and actively participate in training deemed essential for the successful operation of the Akwesasne Legislative Commission and I am willing to attend regularly scheduled Akwesasne Legislative Commission meetings to conduct business and attend Public Meetings as scheduled.

I certify that my answers are true and complete to the best of my knowledge.

If this application leads to an appointment to the Akwesasne Legislative Commission, I understand that incomplete, invalid, false or misleading information may result in the rejection of this application.

Signature: _____ Date: _____

MOHAWKS OF AKWESASNE

Membership Confirmation

Please fill out the information below and submit this form to the attention of the Mohawk Council of Akwesasne, Office of Vital Statistics, in order to confirm your membership status in accordance with the Akwesasne Membership Code.

Name: _____

Date of Birth: _____

INAC Registry (Status Card) #: _____

NOTE: The Office of Vital Statistics is located in the MCA Kawehnoke Administration Building 3 at Tewesateni Rd, Akwesasne, Ontario K6H 0G5
The Office of Vital Statistics is to complete this portion to confirm your membership status in accordance with the Akwesasne Membership Code.

Membership Status

Member in accordance with the Akwesasne Membership Code.....

Probationary Member in accordance with the Akwesasne Membership Code.....

Expiration Date of Probation Period: _____

Non-member Member in accordance with the Akwesasne Membership Code.....

DATE

MANAGER/MEMBERSHIP OFFICER
OFFICE OF VITAL STATISTICS

Schedule "D"

"In Good Standing Policy"

I authorize the Akwesasne Justice Department to conduct an MCA Confirmation of MCA accounts current and "In Good Standing Policy" check.

Signature: _____ Date: _____

Package Checklist

(Please Check)

- Letter of Interest.
- Completed Application Schedule "B".
- Membership Confirmation Form Schedule "C".
- Good Standing Policy Authorization Schedule "D".

Office Use Only

<input type="checkbox"/> Completed Application	<input type="checkbox"/> CPIC FORMS GIVEN TO APPLICATANT DATE __/__/__
Rev'd by: _____	<input type="checkbox"/> COMPLETED CPIC FORMS RETURNED TO AJD DATE __/__/__
	<input type="checkbox"/> Passed <input type="checkbox"/> Failed
<input type="checkbox"/> Completed Oath of Appointment Schedule "A"	