

FILE REFERENCE

AKWESASNE MOHAWK COUNCIL RESOLUTION

2003/2004 - 022



THIS MEETING TOOK PLACE
IN THE TERRITORY OF
AKWESASNE, WITH THE
FOLLOWING MEMBERS OF
THE AKWESASNE
MOHAWK COUNCIL
PRESIDING.

THE	MOHAWK COUNCIL OF AKWESASNE		
AGENCY	SOUTHERN ONTARIO DISTRICT		
PROVINCE	ONTARIO / QUEBEC		
PLACE	Administration Building I Boardroom		
DATE	DAY	MONTH	YEAR
	15	April	2003
RECORDED VOTE:			
FOR: 5			
AGAINST: 4			
ABSTENTION: 0			

DO HEREBY RESOLVE:

MOVED: Angie Barnes LGM

SECONDED: Mamie David LGM

WHEREAS the Mohawks of Akwesasne have the existing and inherent right of self-determination, which includes the inherent jurisdiction over the lands, peoples and territory;

AND WHEREAS the Mohawks of Akwesasne have Aboriginal and Treaty Rights and other rights and freedoms that are recognized and affirmed in the Constitution of Canada, which include the inherent right of self-determination and jurisdiction over their lands, people and territory;

AND WHEREAS the Mohawk Council of Akwesasne is the community government within the territory of Akwesasne and has inherent jurisdiction to make laws, regulations and policies to meet the needs and concerns of the Mohawks of Akwesasne;

AND WHEREAS in 1988 the Mohawk Council of Akwesasne adopted the Akwesasne Membership Code which establishes rules and procedures for membership in Akwesasne;

AND WHEREAS the Council of Elders is the body of community members created by the Akwesasne Membership Code for the purposes of hearing membership appeals and such other matters as permitted under an Akwesasne Law, Code or Regulation;

AND WHEREAS the Mohawk Council of Akwesasne has from time to time established Terms of Reference for the Council of Elders;

AND WHEREAS the Mohawk Council of Akwesasne wants to ensure that in the development of these Boards, Commissions, or Tribunals there is a structured protocol of their duties, responsibilities and accountability to the community of Akwesasne;

THEREFORE, BE IT RESOLVED that the Mohawk Council of Akwesasne hereby approves and adopts the Charter for the Council of Elders and the Procedure Regulations for the Council of Elders attached to this Resolution;

The Mohawk Council of Akwesasne rescinds any prior resolution adopting Terms of Reference for Council of Elders.

CARRIED

CHIEF	CHIEF	CHIEF
Sheila David (Y)	Darren Bonaparte	Louis Lazore
CHIEF	CHIEF	CHIEF
Angie Barnes (Y)	Esther Jock (N)	Tom Johnson (N)
CHIEF	CHIEF	CHIEF
		Darcy Day (N)
CHIEF	CHIEF	CHIEF
		Mamie David (Y)
	GRAND CHIEF	
	Raymond Mitchell	

CHARTER OF THE COUNCIL OF ELDERS

MISSION STATEMENT

1.1 The Council of Elders is accountable to the community of Akwesasne. The Council of Elders shall carry out their duties and responsibilities under the Akwesasne Membership Code and other Codes, Laws or Regulations granting them authority.

1.2 In the event of a conflict between this Charter and the provisions of any Code, Law or Regulation granting authority to the Council of Elders, the provisions of the specific Code, Law or Regulation granting authority shall prevail to the extent of the conflict.

POWERS, DUTIES AND FUNCTIONS

2.1 Subject to this Charter and any specific provisions in the Akwesasne Membership Code or other Code, Law or Regulation granting authority to the Council of Elders, the Council of Elders will perform the following functions:

- (a) hear appeals from a decision, order or any matter where jurisdiction is given to the Council of Elders under the Akwesasne Membership Code or other Code, Law or Regulation;
- (b) make any order or reach any decision in accordance with powers set out in the Akwesasne Membership Code or other Code, Law or Regulation granting the Council of Elders authority;
- (c) hear such other matters and carry out such other duties and functions as may be conferred on the Council of Elders by Code, Law or Regulation;
- (d) ensure that hearings are conducted with generally recognized principles of natural justice and procedural fairness;
- (e) subject to ratification by Mohawk Council of Akwesasne, develop procedural and administrative guidelines and rules consistent with Akwesasne Codes, Laws or Regulations; and
- (f) attend training relating to areas of their responsibility.

2.2 Mohawk Council of Akwesasne recognizes the authority granted to the Council of Elders in this Charter and, except for the responsibility of Mohawk Council described in this Charter, shall not interfere with or become involved in the operations or decision making of the Council of Elders.

MEMBERS

3.1 The Council of Elders shall be composed of three Elders of the community of Akwesasne appointed by Mohawk Council Resolution.

3.2 The Mohawk Council of Akwesasne may also by Resolution appoint up to three (3) persons as alternates to sit on the Council of Elders in circumstances where a member of the Council of Elders cannot participate in a hearing.

3.3 Selection to sit on the Council of Elders or as an alternate shall be based on past and present degree of involvement in the community, taking into account their good character, credibility and reputation in the Akwesasne community.

3.4 To qualify for appointment as a member of the Council of Elders or as an alternate, a person must:

- (a) be a registered Member or immediately entitled to be registered as a Member of Akwesasne under the Akwesasne Membership Code (does not include probationary Member);
- (b) be thirty-five (35) years of age or older on the appointment date;
- (c) be a resident in the Territory of Akwesasne within the jurisdiction of Mohawk Council for at least ten (10) years prior to their appointment;
- (d) must be Onkwehonwe, which for the purposes of this Charter means that both their natural parents must be of Native ancestry with at least one parent being a member of Akwesasne;
- (e) have good character, credibility and reputation in the Akwesasne community;
- (f) not be an elected Member of the Mohawk Council of Akwesasne; and
- (g) not be a Justice of the Mohawk Court.

TERM

4.1 Persons appointed to the Council of Elders or as alternates will remain in that position until a vacancy occurs in accordance with section 7.

OATH OF OFFICE

5.1 Persons appointed to the Council of Elders shall, upon entering upon his or her duties, take and subscribe to the Oath of Office in the form attached as Schedule "A" hereto before a Justice of the Mohawk Court or other official authorized by law to administer oaths.

HONORARIUM

6.1 Each member of the Council of Elders and each alternate when participating in a hearing, meeting or training will receive an honorarium in an amount as determined by Mohawk Council Resolution.

6.2 Any honorarium determined by Mohawk Council Resolution, cannot be changed, except upon the decision of the Akwesasne Court Commission.

6.3 Prior to any hearing to consider changes to the honorarium paid to members of the Council of Elders or alternates sitting on the Council of Elders, the Akwesasne Court Commission shall establish rules for its procedure, which rules shall, at a minimum, provide:

- (a) notice to Mohawk Council, the Council of Elders and alternates of the hearing date;
- (b) an opportunity for Mohawk Council, the Council of Elders and alternates to be heard; and
- (c) an unbiased panel appointed to sit as a Akwesasne Court Commission.

6.4 After consideration of written or oral submissions concerning any amendment to the honorarium, the Akwesasne Court Commission shall determine the honorarium to be paid to Council of Elders and alternates participating in a hearing or training.

6.5 The decision of the Akwesasne Court Commission shall be in writing, and a copy shall be provided to Mohawk Council, the Council of Elders and to alternates.

6.6 Upon receipt of the decision of the Akwesasne Court Commission, Mohawk Council shall pass a Resolution confirming the revised amount of the honorarium established by the Akwesasne Court Commission.

6.7 A copy of the decision of the Akwesasne Court Commission shall be provided to the Chief Administrative Officer and to the Office of Vital Statistics.

VACANCIES

7.1 Subject to Section 7.3, persons appointed to the Council of Elders and alternates will continue to hold office until they:

- (a) die;
- (b) resign by submitting a notice in writing to the Akwesasne Court Commission; or

7.2 The Akwesasne Court Commission shall determine all matters relating to the removal from office of a person appointed to the Council of Elders or appointed as alternates.

7.3 A person appointed to the Council of Elders or an alternate may be removed from office if the Akwesasne Court Commission determines that the person:

- (a) engaged in dishonorable or questionable conduct which casts doubt on that individual's personal or professional integrity or competence, or reflects adversely to the integrity of the Council of Elders;
- (b) has been convicted of an indictable offence in Canada or a felony in the United States during the term of their appointment;
- (c) breached the Oath of Office;
- (d) failed to attend three (3) consecutive hearings of the Council of Elders without a valid reason as determined by other Council of Elder members;
- (e) is negligent in their duties and responsibilities to the Council of Elders; or
- (f) no longer qualifies in accordance with section 3.4.

7.4 Proceedings for removal may be commenced by a written complaint setting out the grounds for removal, signed by at least fifty (50) eligible voters and delivered to the Akwesasne Court Administrator. The term "eligible voter" is defined in the Akwesasne Election and Voting Custom Regulation.

7.5 The Akwesasne Court Administrator shall verify that the complaint has been signed by at least fifty (50) eligible voters, as required by section 7.4 of this Charter.

7.6 If the complaint does not satisfy the requirements of section 7.4, the complaint shall be dismissed, and the Akwesasne Court Administrator shall provide written notice to the persons signing the complaint, by way of ordinary mail or personal service.

7.7 Where compliance with section 7.4 has been verified, the Akwesasne Court Administrator shall provide the person whose removal is sought with a copy of the complaint against them, and shall schedule mediation meetings involving:

- (a) any eligible voter signing the complaint who wishes to participate in the mediation;
- (b) the person against whom the complaint is brought; and
- (c) another member of the Council of Elders, selected by the remaining members of the Council of Elders.

- 7.8 Where a person is under review as a result of a complaint, they will be excused from his or her duties and responsibilities to the Council of Elders, pending a determination of the matter.
- 7.9 If an agreement is reached in the mediation, a report shall be presented to the Akwesasne Court Commission.
- 7.10 If no agreement is reached in the mediation, the Akwesasne Court Administrator shall forward a copy of the complaint to the Akwesasne Court Commission for their consideration.
- 7.11 Upon receipt of a complaint, the Akwesasne Court Commission shall schedule a hearing to consider whether the person should be removed from office.
- 7.12 The Akwesasne Court Administrator shall provide notice of the time, place and date of the hearing to the person whose removal is being sought and to the eligible voters who signed the complaint.
- 7.13 Where the person whose removal is sought is unable to attend the hearing, they must give a valid reason to the Akwesasne Court Commission. The Akwesasne Court Commission will then decide whether to re-schedule the hearing.
- 7.14 If the person whose removal is sought fails to attend the hearing without providing a valid reason, the hearing may take place in their absence.
- 7.15 Evidence at a hearing shall be given under oath.
- 7.16 The Akwesasne Court Commission will first hear from any eligible voters signing the petition who wish to give evidence, and any witnesses giving evidence in support of the petition. The person whose removal is sought has the right to question persons giving evidence.
- 7.17 After completion of the evidence presented by eligible voters signing the petition, the person whose removal is sought and any witnesses they wish to present may give evidence in reply. One of the eligible voters signing the petition has the right to question persons giving evidence in reply.
- 7.18 The Akwesasne Court Commission may question any person giving evidence at the hearing.
- 7.19 The hearing shall be recorded, and the recording shall be kept by the Akwesasne Court Commission until the period for any appeal of their decision has expired.
- 7.20 The Akwesasne Court Commission may adjourn any hearing in order to make a decision.

- 7.21 After consideration of the written or oral submissions concerning the complaint, the Akwesasne Court Commission shall by a majority vote of the panel:
- (a) dismiss the complaint; or
 - (b) remove the person from office.
- 7.22 (a) The Akwesasne Court Commission shall provide a copy of the decision to the person whose removal is sought and to the eligible voters signing the complaint by way of ordinary mail or personal service.
- (b) A copy of the decision of the Akwesasne Court Commission sent by ordinary mail shall be deemed served five (5) working days after the date of mailing.
- 7.23 The decision of the Akwesasne Court Commission pursuant to Section 7.21(b) may be appealed by the person whose removal has been ordered by filing with the Akwesasne Court Administrator a signed Notice of Appeal within five (5) working days of the service of the decision.
- 7.24 The decision of the Akwesasne Court Commission pursuant to Section 7.21(a) may be appealed by filing with the Akwesasne Court Administrator within five (5) working days of service of the decision a Notice of Appeal signed by a majority of the voters who signed the complaint.
- 7.25 The procedure for appeals to the Akwesasne Mohawk Court shall be the same as the general appeal procedure for appeals to the Akwesasne Appeal Tribunal.
- 7.26 The decision of the Akwesasne Mohawk Court is final and not subject to appeal.
- FILLING A VACANCY**
- 8.1 If a position on the Council of Elders becomes vacant, one of the alternates shall be appointed by the Akwesasne Court Commission to sit on the Council of Elders.
- 8.2 Within sixty (60) days of the appointment of an alternate to the Council of Elders to fill a vacancy, Council shall, by Resolution, appoint another person to sit as an alternate.
- 8.3 The person appointed by Mohawk Council Resolution to fill the vacancy as an alternate must meet the qualifications under section 3.4 of this Charter.
- 8.4 A vacancy on the Council of Elders will not impair the right of the remaining Elders to act, provided there are sufficient Elders to constitute a panel for hearings.

CONFLICT OF INTEREST

- 9.1 A conflict of interest arises in a situation where a person has a personal or business interest, or the interest of an immediate family member of a person is involved in the matter under consideration.
- 9.2 For the purposes of this Charter:

(a) "business interest" means any financial involvement in a business; and

(b) "immediate family member" means spouse (including a common-law spouse), parent, parent-in-law, grandparent, brother, sister, child (including adopted children or those living with you as your child), grandchild or any spouse of an immediate family member.

- 9.3 A member of the Council of Elders who has a conflict of interest in relation to a matter under appeal will, as soon as possible, and prior to any hearing, duly disclose the nature and extent of their conflict to the Akwesasne Court Commission and shall be disqualified from sitting as the panel for the hearing.

- 9.4 If the conflict of interest only becomes apparent at the hearing, the person shall declare their conflict at that time, remove themselves from the Panel for the hearing, and the hearing shall be adjourned until an alternate is appointed to sit on the Council of Elders for the purpose of the hearing.

- 9.5 Where a party to a matter before the Council of Elders or a member of the Council of Elders believes that a conflict of interest exists and the person with the conflict of interest has not declared the conflict, the party or other member of the Council of Elders may make an application to the Akwesasne Court Commission for a ruling as to whether a conflict of interest exists.

- 9.6 Where the Akwesasne Court Commission determines there is a conflict, the person affected will be excluded from the Panel. The hearing will be adjourned until an alternate is appointed.

HEARINGS OF COUNCIL OF ELDERS

- 10.1 A panel for each hearing shall consist of the three (3) members of the Council of Elders or an alternate appointed by the Akwesasne Court Commission, pursuant to section 10.2.

- 10.2 Where a member of the Council of Elders cannot participate in a hearing because of a conflict of interest, illness, absence or other reason, the Akwesasne Court Commission shall make a temporary appointment of an alternate to sit on the Council of Elders for the purpose of hearing the matter in question. The appointment by the Akwesasne Court Commission shall be in writing, setting out

the specific matter or appeal for which the alternate has been assigned to sit on the Council of Elders and shall terminate upon condition of the matter for which the appointment was made.

10.3 An alternate sitting on the Council of Elders shall:

- (a) have the same powers as a member of the Council of Elders;
- (b) sign the Oath of Office prior to sitting on the Council of Elders;
- (c) be bound by the provisions of this Charter; and
- (d) receive an honorarium provided for members of the Council of Elders for the period of their appointment.

10.4 The Council of Elders shall select from among themselves a member to act as Chairperson for the hearing.

10.5 Proceedings before the Council of Elders shall be in accordance with the Council of Elders Procedure Regulation.

10.6 Subject to section 10.7, decisions of the Council of Elders shall be by consensus.

10.7 If after using all reasonable efforts to reach a decision by consensus it is determined that consensus is not possible, the matter shall be decided by majority vote of the Council of Elders.

10.8 The decision of the Council of Elders is final.

CONFIDENTIALITY

11.1 Subject to section 11.2, persons appointed to the Council of Elders or alternates shall not release information received by them in their work with the Council of Elders or information to the deliberations, proceedings and decisions of the Council of Elders, unless:

- (a) it is information that is public under Akwesasne Law, Code or Regulation; or
- (b) it is information the Council of Elders, by vote of the Elders, decides to release.

11.2 Information relating to deliberations, proceedings or decisions of the Council of Elders may be provided to the Akwesasne Court Commission considering an application for removal of a member of the Council of Elders or an alternate.

ANNUAL REPORT

12.1 The Council of Elders shall prepare an annual report of its activities for inclusion in the annual report from Council to the community.

12.2 The annual report shall generally describe the activities of the Council of Elders but shall protect the confidentiality of specific deliberations, proceedings or decisions in individual cases.

AMENDMENTS

13.1 Any amendment to this Charter will be made by Mohawk Council Resolution and will take effect on the date of the Resolution, or such date as specified in the Resolution. The affected sections of the Charter will be revised accordingly.

Schedule "A"

FOR THE MOHAWK TERRITORY OF AKWESASNE

COUNCIL OF ELDERS
OATH OF OFFICE

1. I, _____, do solemnly swear/affirm that I accept my position on the Council of Elders with full respect of the people of our community.
2. I will strive to serve the people of Akwesasne faithfully, honestly and with integrity. I will not bring disgrace upon the people of Akwesasne.
3. I will faithfully and impartially carry out the duties of my office to the best of my ability and will be mindful of the best interests of the people of Akwesasne.
4. I swear/affirm to uphold during or subsequent to my term as a member of the Council of Elders the provision for confidentiality in its Charter.

Sworn before me in the
)
) Territory of Akwesasne
)
) this _____ day of _____
)
) in the year _____

Justice of Peace, Commission, etc.

Appointed Council of Elders Member

COUNCIL OF ELDERS

PROCEDURE REGULATION

PREAMBLE

1. This regulation is established to provide a general appeal procedure for matters before the Council of Elders.

DEFINITIONS

2. In this Regulation:

"Akwesasne Law" means a community law enacted by the members of Akwesasne pursuant to the Mohawk Council of Akwesasne Law Enactment Procedure;

"Appeal" means the examination by the Council of Elders of a decision, order, ruling or matter as permitted under Akwesasne Law, Code, or Regulation;

"Council of Elders" means the Akwesasne Council of Elders, the body of community members created by the Membership Code, for the purposes of hearing membership appeals and such other matters as permitted under Akwesasne Law, Code or Regulation;

"District" means any one of the following territorial divisions:

- (a) Kawehnoke (Cornwall Island) and any island within the Territory of Akwesasne in Ontario; or
- (b) Kanatakon (Saint Regis Village) and Enskatsitkahwenote (Saint Regis Island; or
- (c) Tisnaihne (Chenail/Snye) and any island within the Territory of Akwesasne in Quebec save and except Saint Regis Island;

"Member" means a person registered or immediately entitled to be registered as a member of Akwesasne pursuant to the Akwesasne Membership Code (does not include probationary members);

"Membership Officer/Clerk" means the person designated by Mohawk Council Resolution to receive the Notice of Appeal and carry out such other functions as required by this Regulation for an Appeal;

"Party in Reply" means the original decision-making body and any party to the original decision; and

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"Regulation" means a regulation established pursuant to a resolution of the Mohawk Council of Akwesasne.

APPLICATION OF THIS REGULATION

- 3.1 The procedures set out in this Regulation shall apply to all Appeals before the Council of Elders unless an Akwesasne Law, Code or Regulation dealing with a particular subject matter provides a different procedure for all, or part of an Appeal.
- 3.2 In the event of a conflict between provisions of this Regulation and specific procedures on an Appeal set out in any Akwesasne Law, Code, or Regulation dealing with a particular subject matter, the specific procedures shall prevail to the extent of any conflict.

APPEAL PROCESS

- 4.1 Any party to the decision or any person authorized under the Akwesasne Law, Code or Regulation prescribing an Appeal to the Council of Elders may initiate the Appeal within the time specified in the Law, Code or Regulation authorizing the Appeal.
- 4.2 The Notice of Appeal must describe:
- (a) the Board, Tribunal or other original decision-making body being appealed from;
 - (b) the detailed reasons why the decision, order or other matter should be reviewed, set aside or granted; and
 - (c) the relief sought by the Appellant.
- 4.3 An administration fee of \$100.00 shall be paid upon filing a Notice of Appeal.
- 4.4 The Notice of Appeal together with any written documents relied on in the Appeal and the administration fee shall be filed with the Membership Officer/Clerk within the time prescribed in the Law, Code or Regulation authorizing the Appeal.
- 4.5 The Membership Officer/Clerk shall provide the Council of Elders with:
- (a) a copy of the Notice of Appeal and related documents;
 - (b) a copy of the original body's decision;
 - (c) all documents filed with the original decision-making body in relation to the application; and
 - (d) any recording of the original decision-making body's hearing.

4.6 The Council of Elders shall, at a pre-hearing meeting consider all submissions and documents filed with the Council of Elders and determine whether there are sufficient grounds for an Appeal.

4.7 In the event the Council of Elders determines that there are not sufficient grounds to hear an Appeal, it shall give a written decision with reasons. The Council of Elders' decision shall be served on the Appellant in person or by registered mail.

4.8 In the event the Council of Elders decides to hear the appeal, it shall schedule the time, date and place for the hearing and provide written notice to the Appellant and any Party in Reply in person or by registered mail.

4.9 A copy of the Notice of Appeal and notice of the time, date and place of the hearing shall be served on the Party in Reply by registered mail or in person.

HEARING PROCEDURE

5.1 The Membership Officer/Clerk shall place a Notice of Appeal Proceedings in at least one community newspaper setting out:

- (a) the name of the Appellant, and other information to identify the Appellant; and
- (b) the deadline date to receive requests to make representations concerning the Appeal.

5.2 The Notice in Section 5.1 must be given at least ten (10) working days prior to the deadline date, in order to give individuals the opportunity to advise the Membership Officer/Clerk that they wish to make representations to the Council of Elders.

5.3 Any person who has, prior to the deadline date, advised the Membership Officer/Clerk of their wish to make representations to the Council of Elders in relation to the Appeal shall be given notice of the date, place and time for the hearing.

5.4 Subject to section 5.5, hearings will be open to the public.

5.5 The Council of Elders may exclude any or all members of the public from the whole or part of a hearing, if it determines an open hearing would:

- (a) compromise confidential information; or
- (b) prejudice the ability of any party to make representations; or
- (c) adversely affect the maintenance of order and the proper administration of justice; or
- (d) not be in the community's best interests.

- 5.6 The Council of Elders will first hear the Appellant, who shall present arguments explaining the Appeal.
- 5.7 After hearing the Appellant's submissions, the Party in Reply shall present arguments in reply.
- 5.8 At the discretion of the Council of Elders, the Appellant may be entitled to make submissions in rebuttal.
- 5.9 After completion of submissions by the Appellant and any Party in Reply, persons entitled to notice pursuant to section 5.3 shall make representations.
- 5.10 The Council of Elders may summon and question any witness(es) who gave evidence at the original decision-making hearing for the purpose of clarifying matters relating to the appeal.
- 5.11 The Appellant and any Party in Reply shall be entitled to question persons who in accordance with Section 5.10 gave evidence before the Council of Elders.
- 5.12 Evidence given by a witness under Section 5.11 shall be given under oath.
- 5.13 Participants in a hearing may have a lawyer present as an observer but all representations to the Council of Elders shall be made by the Appellant, Party in Reply or any person who has requested, within the time specified in this Regulation, permission to make submissions to the Council of Elders.
- 5.14 If the Council of Elders deems it appropriate, it may keep the identity of any individual or witness confidential, provided that such confidentiality does not unduly prejudice the Appellant.
- 5.15 The Council of Elders may order a publication ban of any or all evidence given at a hearing.
- 5.16 If the Appellant or any Party in Reply is unavailable for the hearing, they must provide the Membership Officer/Clerk with valid reasons prior to the hearing. The Council of Elders shall then decide whether to reschedule the Appeal.
- 5.17 In the event a new hearing is scheduled, written notice of the new date, place and time for the hearing shall be given to the Appellant, Party in Reply and any person entitled to notice under Section 5.3.

- 5.18 In the event the Council of Elders, after considering the reasons to proceed with the hearing, or in the event the Appellant or any Party in Reply fails to attend the hearing, the Appeal may take place in their absence.
- 5.19 The Council of Elders may adjourn any hearing of an Appeal in order to make a decision.

RECORDING OF THE HEARING

- 6.1 The Appeal shall be recorded and the recording shall be kept with the Membership Officer/Clerk.

DECISION OF THE COUNCIL OF ELDERS

- 7.1 The Council of Elders shall render a decision on the Appeal within a reasonable time of the hearing and shall use its best efforts to render the decision within thirty (30) days of the hearing.

- 7.2 After consideration of all the documents, evidence and presentations relevant to the appeal, the Council of Elders may:

- (a) grant the Appeal; and
- (i) order the original decision-making body to hold a new hearing; or
- (ii) make any order the original body could have made subject to the provision of the Akwesasne Law, Code or Regulation under which the Appeal takes place; or

- (b) confirm the original body's decision.

- 7.3 Decisions at a hearing of the Council of Elders shall be by consensus.

- 7.4 If after using all reasonable efforts to reach a decision by consensus it is determined that consensus is not possible, the matter shall be decided by majority vote of the Council of Elders.

- 7.5 The decisions of the Council of Elders are final and not subject to appeal.

NOTICE OF THE DECISION OF THE COUNCIL OF ELDERS

- 8.1 The decision of the Council of Elders shall be served by registered mail or in person on the Appellant and any Party in Reply.

- 8.2 The Council of Elders shall provide a copy of its decision to the Akwesasne Mohawk Police Service, the Office of Vital Statistics and any other department that the Council of Elders deems appropriate.
- 8.3 The decision of the Council of Elders with respect to an appeal shall be published in at least one community newspaper and posted in a public place in each District.

AMENDMENTS

- 9.1 Any amendment to this Regulation will be made by Council Resolution and will take effect on the date of the Resolution, or such date as specified in the Resolution. The affected sections of the Regulation will be revised accordingly.

August 26, 2002