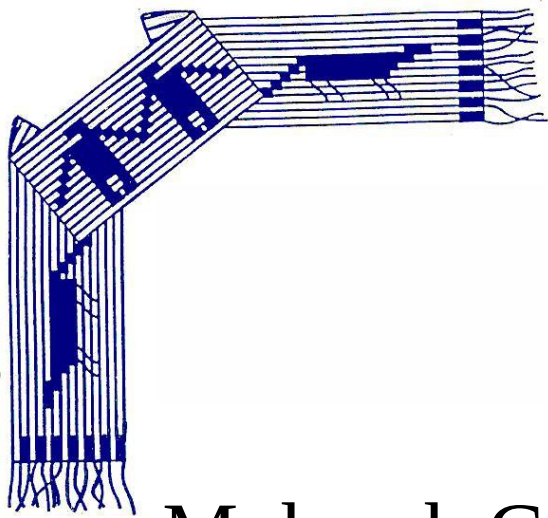




Mohawk Council of Akwesasne

Akwesasne Legislative Commission Regulation

As approved by: MCR# 2017/2018- #004

Dated: March 22, 2017

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PURPOSE

This Regulation sets out the administrative procedures for the Akwasasne Legislative Commission.

1.0 Title

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

2.0 Definitions

2.1 In this Regulation:

“**Akwasasne Justice Department**” means the administrative body under the Mohawk Council of Akwasasne providing a comprehensive justice system for the Mohawks of Akwasasne;

“**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 Mohawks of Akwasasne;

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

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

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

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

“**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/Snye) 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;

“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 and may include a designate;

“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 representative to sit as an 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 transact business;

“Regulation” means the rules approved by Resolution for the purpose of setting out standards and procedures for Akwasasne Laws or Charters;

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

“Technician” means a Mohawk Council of Akwasasne employee who specific knowledge in the relation to the Akwasasne Law that is being drafted, reviewed and amendment.

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

3.0 General Provisions

- 3.1** When calculating the number of days for the establishment of a deadline, the following guidelines shall be used:
- a) unless otherwise provided, Saturdays, Sundays, Federal holidays, Provincial holidays, Mohawk Council of Akwasasne declared holidays, or the day of an event are not included in the calculation of number of days for completing an act or meeting a deadline;
 - b) in the event that inclement weather prohibits carrying out of an act under this Regulation or Mohawk Council of Akwasasne Administration Office(s) are closed on a day when a time limit expires, the act may be done on the next day that the office is open; and
 - c) if there is no deadline identified, and unless otherwise provided in an Akwasasne Law or Regulation, the deadline for completion of acts is 10 days.
- 3.2** Wherever the singular, or masculine or the term “person” is used in this Regulation, it shall be deemed to include the plural, feminine, body corporate or other entity where the context so requires.
- 3.3** For greater certainty, reference to an Akwasasne Law, Charter, Regulation or policy includes any amendments or successor Akwasasne Law, Charter, Regulation or policy.
- 3.4** **Coming into Force** – Coming into force of this Regulation shall be on the date of the Resolution accepting the Regulation.
- 3.5** Notwithstanding subsection 3.4, section 5.0 Responsibilities within the Akwasasne Legislative Enactment Regulation shall come into force after the initial selection process of the Akwasasne Legislative Commission is complete and all Akwasasne Legislative Commission members have been trained.

4.0 Member Selection Process

- 4.1** Selection of members of the Akwasasne Legislative Commission shall follow the procedures outlined in this Regulation.
- 4.2** The Akwasasne Justice Department Director will ensure these procedures are met.
- 4.3** In accordance with subsection 4.3 of the Akwasasne Legislative Commission Charter, the selection process for the Akwasasne Legislative Commission shall begin with a community notice of a public call out for members.
- 4.4** The community notice required under subsection 4.3 shall be:
- a) posted in public places within the Districts;

- b) published in a community newspaper with circulation throughout the Districts;
 - c) posted on the Council website: www.akwasasne.ca; and
 - d) shared on Facebook or other social media sites.
- 4.5** The community notice posted under subsection 4.3 shall specify:
- a) where an application for consideration of an appointment may be picked up;
 - b) the qualifications for appointment;
 - c) the deadline to submit application and all relevant documentation;
 - d) a brief summary of the nature of the position; and
 - e) details of remuneration.
- 4.6** An application submitted for consideration for an appointment to the Akwasasne Legislative Commission shall be considered complete once the following documents have been received:
- a) completed application Schedule “B” in the Charter;
 - b) letter of interest outlining how the applicant meets the qualifications for appointment;
 - c) consent to verify Mohawk Council of Akwasasne Membership;
 - d) consent to run an Akwasasne Good Standing Policy check; and
 - e) Canadian Police Information Centre: valid Criminal Records Check.
- 4.7** The consent forms included in the completed application received by the deadline listed in the community notice shall undergo verification by the Akwasasne Justice Department.
- 4.8** In accordance with subsection 4.2 of the Akwasasne Legislative Commission Charter, the Akwasasne Justice Department Director and the Justice Portfolio holder shall review the applications to determine if the applications are completed.
- 4.9** The list will be forwarded to the Council for selection and acceptance by Resolution
- 4.10** The Akwasasne Justice Department shall give CPIC application form and letter to the community member whose application is approved by selection committee for the Akwasasne Legislative Commission. The CPIC is to check for Indictable Offences in Canada. The Akwasasne Justice Department will reimburse the applicant for the Canadian Police Information Centre (CPIC) fee upon confirmation as an Akwasasne Legislative Commission member.
- 4.11** The recommended candidates named under subsection 4.9 shall be appointed by Resolution to the Akwasasne Legislative Commission.
- 4.12 Temporary Appointment** – In the event that a temporary Akwasasne Legislative Commission member is required, first consideration shall be given to the short list of qualified applicants identified under subsection 4.9.

- 4.13 In the event there are no qualified applicants available from the short list under subsection 4.9, the Akwasasne Justice Department Director may recommend a temporary appointment, provided that the person meets the qualifications of that appointment.
- 4.14 A temporary Akwasasne Legislative Commission member, upon that recommendation from the Akwasasne Justice Department Director, shall be appointed by Resolution.
- 4.15 Temporary appointments shall be made until a permanent Akwasasne Legislative Commission member is appointed by the selection process outlined in this Regulation.

5.0 Akwasasne Legislative Enactment Regulation Responsibilities

- 5.1 The Justice Coordinator shall develop any requisite Resolution pursuant to the Akwasasne Legislative Enactment Regulation for legislation identified in the Akwasasne Justice Department operating plan.
- 5.2 The Justice Coordinator shall schedule meetings of the Akwasasne Legislative Commission to ensure that an identified area for legislative development proceeds through the Akwasasne Legislative Enactment Regulation.
- 5.3 The Akwasasne Legislative Commission shall have the authority in relation to the matter at hand, to request the participation and attendance, during their regular work schedule, of any person employed by Council, subject to supervisor approval.
- 5.4 **Pre-Legal Review** – Akwasasne Laws deemed ready for legal review will be presented to the Akwasasne Legislative Commission at a Quarterly Meeting or Working Session.
- 5.5 At a Quarterly Meeting or Working Session, the Akwasasne Legislative Commission shall review the Akwasasne Law to determine if additional changes are needed.
- 5.6 The Akwasasne Legislative Commission shall authorize the release of the Akwasasne Law for a legal review by a motion of members present.
- 5.7 **Post-Legal Review** – After the completion of the legal review, the proposed Akwasasne Law shall be forwarded to the Technicians for review of the legal comments.
- 5.8 The technicians shall develop a report by providing a written response to the legal comments on how to incorporate the recommendations.
- 5.9 The Technician's report shall be presented to the Akwasasne Legislative Commission at a Working Session for direction.
- 5.10 A summary of the Technician's report developed in section 7.0 shall be provided to the Akwasasne Legislative Commission at the next Quarterly Meeting.

- 5.11 Community Consultation** – After the completion of the community consultation meetings as prescribe through the Akwasasne Legislative Enactment Regulation, the community feedback shall be forwarded to the Justice Coordinator for review.
- 5.12** Technicians and the Justice Coordinator shall develop a community consultation report, providing a written response to the community comments on how to incorporate them.
- 5.13** The community consultation report shall be presented to the Akwasasne Legislative Commission at a Working Session for direction and approval, providing there is Quorum.
- 5.14** A summary of the community comment report developed in subsection 5.12 shall be provided to the Akwasasne Legislative Commission at the next Quarterly Meeting.
- 5.15 Council Presentations** – A proposed Akwasasne Law deemed ready for presentation to Council in accordance with the Akwasasne Law Enactment Procedural Regulation shall be approved by the Akwasasne Legislative Commission.
- 5.16** The approval under subsection 5.15 will be in the form of a report from the Akwasasne Legislative Commission recommending to Council to proceed with the Akwasasne Law.
- 5.17** Akwasasne Legislative Commission members identified as the lead under subsection 6.6 of this Regulation may attend the Council meeting to present the Akwasasne Law.
- 5.18** The Technicians and the Justice Coordinator shall attend the Council meeting to present the proposed Akwasasne Law and answer any questions from Council.
- 5.19** A summary of the Council meeting will be provided to the Akwasasne Legislative Commission by the Justice Coordinator.

6.0 Meetings to Conduct Business

- 6.1** The Chairperson will be appointed for 1 year, which ends at the next Annual Planning Meeting, unless reappointed.
- 6.2** If Quorum is not reached in 30 minutes then the meeting becomes an Information Meeting on unofficial business.
- 6.3 Development of Akwasasne Laws** – The development of a proposed Akwasasne Law shall follow the process outlined in the Akwasasne Legislative Enactment Regulation and in accordance with the Akwasasne Legislative Commission Charter.
- 6.4** The Akwasasne Legislative Commission will be provided with a schedule outlining the proposed Quarterly Meeting and Working Session dates for the next fiscal year.
- 6.5** Ex-Officio members may attend meetings of the Akwasasne Legislative Commission pursuant to subsection 7.3 of the Akwasasne Legislative Commission Charter.

- 6.6** Akwasasne Legislative Commission members shall make dossier selections to take the lead on specific legislative development files whose responsibilities will be to:
- a) facilitate discussion with the Akwasasne Legislative Commission during Working Sessions;
 - b) assist in presentation of their dossier selections to Council; and
 - c) communicate with the public regarding updates on their dossier selections under subsection 7.16-7.21.
- 6.7** The following positions pursuant to subsection 3.7 and 7.3 of the Akwasasne Legislative Commission Charter, 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.
- 6.8** **Public Comment Session-** will be held 30 days before the Annual Planning Meeting and facilitated by the Justice Coordinator.
- 6.9** The Justice Coordinator shall provide the Akwasasne Legislative Commission notice of the date, time, agenda and any materials needed for the Public Comment Session.
- 6.10** If Quorum is not reached within 30 minutes of the meetings start time as required by the Akwasasne Legislative Commission Charter subsection 7.6, the Annual Planning Meeting will be rescheduled the following week.
- 6.11** The Akwasasne Legislative Commission shall provide direction on the prioritizing of law making needs by consensus of the Akwasasne Legislative Commission members present.
- 6.12** The Akwasasne Legislative Commission's direction will be compiled and provided to the Akwasasne Justice Department Director for inclusion into the Annual Planning Meeting agenda.
- 6.13** **Annual Planning Meeting** – The Annual Planning Meeting will be held in December and facilitated by the Justice Coordinator.
- 6.14** The Justice Coordinator shall provide the Akwasasne Legislative Commission notice of the date, time, agenda and any materials needed for the Annual Planning Meeting.
- 6.15** The Akwasasne Legislative Commission members shall be responsible to review materials prior to the meeting.

- 6.16** The Akwasasne Legislative Commission members shall appoint a Chairperson at the Annual Planning Meeting.
- 6.17** If Quorum is not reached within 30 minutes of the meetings start time as required by the Akwasasne Legislative Commission Charter subsection 7.8, the Annual Planning Meeting will be rescheduled.
- 6.18** The Akwasasne Legislative Commission shall provide direction on the prioritizing of law making needs by consensus of the Akwasasne Legislative Commission members present.
- 6.19** If a consensus of the Akwasasne Legislative Commission cannot be reached under subsection 6.18, then the decision will be reached by a majority vote.
- 6.20** The Akwasasne Legislative Commission's direction will be compiled and provided to the Akwasasne Justice Department Director for inclusion into the annual operating plan.
- 6.21** **Quarterly Meeting** – As provided for in the Akwasasne Legislative Commission Charter, the Justice Coordinator shall schedule and facilitate Quarterly Meetings.
- 6.22** The Justice Coordinator shall provide the Akwasasne Legislative Commission members notice of the date, time, agenda and any materials needed for the Quarterly Meeting.
- 6.23** If Quorum is not reached within 30 minutes of the scheduled start of the meeting as required by the Akwasasne Legislative Commission Charter subsection 7.10, the Quarterly Meeting will be rescheduled.
- 6.24** The direction from the Akwasasne Legislative Commission shall be developed into a report and provided to the Akwasasne Justice Department Director to be used for variance reporting and updates to the Justice portfolio.
- 6.25** **Working Sessions** – The Justice Coordinator shall work with the Akwasasne Legislative Commission members who made their dossier selections under subsection 6.6 to identify which legislative files will be brought forward to a Working Session.
- 6.26** The Justice Coordinator shall provide the Akwasasne Legislative Commission with the agenda identifying which members will facilitate discussion on the related agenda item, and any materials needed for the Working Session.
- 6.27** If Quorum is not reached within 30 minutes of the start of a meeting as required by the Akwasasne Legislative Commission Charter subsection 7.12, the Working Session will not begin and this can become an Informational Session for unofficial business.
- 6.28** The Justice Coordinator shall work with the identified Akwasasne Legislative Commission members to facilitate the Working Session and provide updates on the proposed Akwasasne Laws identified on the agenda for that Working Session.

- 6.29** The Akwasasne Legislative Commission may provide direction on the proposed Akwasasne Laws being discussed during the Working Session.
- 6.30** Feedback from the Akwasasne Legislative Commission during the Working Session shall be forwarded to the prescribed Technician(s) by the Justice Coordinator.
- 6.31** **Voting** – If consensus cannot be reached, then all voting shall be a majority vote conducted by a show of hands.
- 6.32** When a vote is called for by a motion from an Akwasasne Legislative Commission member present and entitled to vote, all Akwasasne Legislative Commission members shall indicate their response as either:
- a) ‘for’;
 - b) ‘against’; or
 - c) ‘abstain’.
- 6.33** A motion posed shall be considered approved if a majority of the Akwasasne Legislative Commission members present and eligible to vote, vote ‘for’ the motion.
- 6.34** A motion posed shall be considered rejected if less than a majority of the Akwasasne Legislative Commission Members present and eligible to vote, vote ‘against’ the motion.
- 6.35** If an Akwasasne Legislative Commission member votes ‘abstain’ to the motion, the Akwasasne Legislative Commission Member shall provide a reason for their abstention.
- 6.36** **Attendance** – Attendance shall be kept for Annual Planning Meetings, Quarterly Meetings and Working Sessions by the Justice Coordinator through a sign-in sheet.
- 6.37** If an Akwasasne Legislative Commission member is unable to attend a Quarterly Meeting, Annual Planning Meeting, or Public Comment Session, the member shall provide notice with a reasonable excuse for their absence.
- 6.38** Reasonable excuse(s) allowed by the Akwasasne Legislative Commission are:
- a) sickness;
 - b) bereavement;
 - c) out of town vacation; and
 - d) emergencies.

7.0 Communication with the Public

- 7.1** **Public Notice Approval Process** – The Justice Coordinator shall work with Technicians to develop community notices as required by the Akwasasne Legislative Enactment Regulation.

- 7.2 The Akwasasne Legislative Commission shall approve community notices following the procedures outlined in this section 7.0 of this Regulation.
- 7.3 The Akwasasne Legislative Commission shall receive a draft community notice from the Justice Coordinator by:
- a) email; or
 - b) hard copy at a Quarterly Meeting or Working Session.
- 7.4 The Akwasasne Legislative Commission may provide recommendations on any changes to the draft community notice that may be needed.
- 7.5 The Justice Coordinator shall work with Technicians to incorporate the Akwasasne Legislative Commission recommendations made under subsection 7.4.
- 7.6 A draft community notice shall be considered approved once authorization has been given by the Department Director who authorizes payment of the notice.
- 7.7 **Public Comment Session Notice** – A community notice announcing the Public Comment Session shall be drafted in accordance with section 7.0.
- 7.8 The community notice announcing the Public Comment Session shall be:
- a) posted in public places within the Districts;
 - b) published in a community newspaper with circulation throughout the Districts; and
 - c) posted on the Mohawk Council of Akwasasne website: www.akwasasne.ca.
- 7.9 The community notice posted under subsection 7.8 shall specify:
- a) the date, time and location of the Public Comment Session;
 - b) purpose and proposed agenda for the Public Comment Session;
 - c) information where documents can be obtained for the Public Comment Session; and
 - d) information on how to submit written comment in the event that a Member cannot attend the scheduled Public Comment Session.
- 7.10 The location of the Public Comment Session shall be rotated equally amongst the 3 Districts.
- 7.11 The Akwasasne Legislative Commission must attend the Public Comment Session.
- 7.12 The Justice Coordinator or designate shall facilitate the Public Comment Session.
- 7.13 Public Comments Session shall be held for the participates a minimum of 2 hours
- 7.14 Community feedback from a Public Comment Session shall be compiled into a report for the Akwasasne Legislative Commission's review prior to the Annual Planning Meeting.
- 7.15 The report developed in subsection 7.14 may be released for publication.

- 7.16 Akwasasne Legislative Commission at Public Meeting(s)** – The Akwasasne Legislative Commission shall select 1 Akwasasne Legislative Commission member to be the lead for an Akwasasne Law under subsection 6.6.
- 7.17** The lead Akwasasne Legislative Commission member; shall
- a) be responsible for attending Public Meetings related to the identified Akwasasne Law;
 - b) facilitate the discussion;
 - c) answer questions; and
 - d) record the comments from community participants
- 7.18** The purpose of the lead Akwasasne Legislative Commission member attending Public Meetings is to allow community participants to ask questions and provide comments on the identified Akwasasne Law.
- 7.19** The Justice Coordinator shall provide the notice to the Akwasasne Legislative Commission of Public Meetings.
- 7.20** The other Akwasasne Legislative Commission members may attend any Public Meeting held pursuant to the Akwasasne Legislative Enactment Regulation.
- 7.21** Only the 3 District representatives Akwasasne Legislative Commission member identified under subsection 6.6 for an Akwasasne Law may receive remuneration for attendance at a Public Meeting.

8.0 Interpretation of an Akwasasne Law

- 8.1** The Akwasasne Legislative Commission may provide clarification of a section within an Akwasasne Law when requested.
- 8.2** Where a section within an Akwasasne Law is ambiguous or not concise, requests to the Akwasasne Legislative Commission for clarification of a section of an Akwasasne Law may be made by Council, the Executive Director, or the Director of the Akwasasne Justice Department.
- 8.3** Upon receipt of a request for clarification of a section of an Akwasasne Law, the Justice Coordinator shall gather supporting documents.
- 8.4** A copy of the request for clarification of an Akwasasne Law and the documents prepared under subsection 8.3 shall be provided to the Akwasasne Legislative Commission chairperson, who shall then identify 3 Akwasasne Legislative Committee members to conduct the review.
- 8.5** The 3 Akwasasne Legislative Commission members identified under subsection 8.4 shall meet to review:

- a) the request for clarification of a section of an Akwasasne Law;
 - b) the supporting documents for the interpretive review;
 - c) speak with the original drafters of the Akwasasne Law, if possible; and
 - d) request any additional information needed to make a decision.
- 8.6** If needed, the Akwasasne Legislative Commission members may request an additional meeting prior to making a decision on the clarification of an Akwasasne Law.
- 8.7** If the clarification is needed because of an emergency, (deadline to act), the Chairperson will appoint 3 Akwasasne Legislative Commission members to verbally give their opinion within the timeframe needed in order to fulfill the deadline, with a written decision to follow within 24 hours.
- 8.8** Akwasasne Legislative Commission decisions on the clarification of a section of an Akwasasne Law will be made within 5 business days.
- 8.9** When drafting their decision on the clarification of a section of an Akwasasne Law, the Akwasasne Legislative Commission members shall consider the:
- a) collective rights of the Akwasasne community;
 - b) original intent of the Akwasasne Law and section under review; and
 - c) cultural and customary practices of the Mohawks of Akwasasne.
- 8.10** After a decision has been finalized as to the clarification of a section of an Akwasasne Law, a written notice shall be provided to the:
- a) originator who filed the request under subsection 8.2;
 - b) community in the form of a public notice;
 - c) registrar of the Akwasasne Law Registry;
 - d) Akwasasne Court;
 - e) Akwasasne Legislative Commission;
 - f) legal counsel; and
 - g) Justice Coordinator.

9.0 Conflict of Interest Procedure

- 9.1** A conflict of interest arises in any situation identified in the Akwasasne Legislative Commission Charter section 11.0.
- 9.2** An Akwasasne Legislative Commission member who has a conflict of interest shall, as soon as possible, and prior to any discussions, duly disclose the nature and extent of their conflict to the Akwasasne Legislative Commission.
- 9.3** If the conflict of interest only becomes apparent during a meeting, the Akwasasne Legislative Commission member affected shall declare their conflict at that time.

- 9.4** Depending on the nature of the conflict of interest, the Akwasasne Legislative Commission may allow the affected Akwasasne Legislative Commission member to continue participating in the meeting, provided that:
- a) the affected Akwasasne Legislative Commission member has declared their conflict of interest; and
 - b) the other Akwasasne Legislative Commission members agree by majority that the affected member may continue to participate in the discussion.
- 9.5** If an Akwasasne Legislative Commission member with a conflict of interest is allowed to continue to participate in discussions under subsection 9.4, the affected Akwasasne Legislative Commission member shall ‘abstain’ in any motions made pursuant to that area.
- 9.6** If an Akwasasne Legislative Commission member with a conflict of interest is not allowed to continue to participate in discussions under subsection 9.4, the affected Akwasasne Legislative Commission member shall:
- a) leave the meeting when the matter is being considered;
 - b) not be counted in determining Quorum;
 - c) not participate in the discussion; and
 - d) not vote on the matter under consideration.
- 9.7** A motion may be made by the unaffected Akwasasne Legislative Commission members, for a decision as to whether a conflict of interest exists.

10.0 Removal from Appointment Procedures

- 10.1** The procedures on removal of an Akwasasne Legislative Commission member’s appointment are in accordance with the Akwasasne Legislative Commission Charter section 12.0.
- 10.2** Where an Akwasasne Legislative Commission appointment becomes vacant pursuant to this Regulation, the vacant appointment may be temporarily filled following the Temporary Appointment process outlined in subsections 4.12- 4.15 of this Regulation.
- 10.3 Automatic Vacancy** – An Akwasasne Legislative Commission position is considered automatically vacated where there is a change in circumstance outlined in subsection 12.1 of the Akwasasne Legislative Commission Charter.
- 10.4** Where an Akwasasne Legislative Commission member resigns from their position, they shall submit written notice to the Justice Coordinator. .
- 10.5** Letter of receipt will be given to the resigning Akwasasne Legislative Commission member.

- 10.6** The remaining Akwasasne Legislative Commission members shall be provided a copy of both documents in subsection 10.4 and 10.5 of this Regulation
- 10.7** The Justice Coordinator submits Resolutions for automatic vacancies.
- 10.8 Vacancy by Removal** – Where an Akwasasne Legislative Commission member:
- 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 who is removed as prescribed; and
 - e) fails to attend the Public Comment Session when appointed to do so by the Akwasasne Legislative Commission.
- 10.9** The Akwasasne Legislative Commission by majority vote can request the removal of the appointment of the affected Akwasasne Legislative Commission member to Council.
- 10.10** The Chairperson shall notify the Akwasasne Justice Director, Akwasasne Review Commission and Council of the Akwasasne Legislative Commission member whose seat is affected under subsection 10.9.
- 10.11** The Akwasasne Legislative Commission member whose seat is affected may appeal the decision to the Akwasasne Review Commission within 5 working days.
- 10.12** The Akwasasne Review Commission shall file their decision on the appeal regarding the removal of the Akwasasne Legislative Commission member with the Justice Coordinator.
- 10.13** If the Akwasasne Review Commission upholds the recommendation to remove the Akwasasne Legislative Commission member, the Justice Coordinator will submit a Resolution to Council for the removal of the Akwasasne Legislative Commission member. By a majority vote of the Akwasasne Legislative Commission or if there is an appeal to the Akwasasne Review Commission, the decision to remove a member is the final decision on the appeal of removal and will be upheld by Mohawk Council of Akwasasne and Council.
- 11.0 Amendments**
- 11.1** Any amendment to this Regulation will be made by Resolution in accordance with the Mohawk Council of Akwasasne Procedure Regulations.