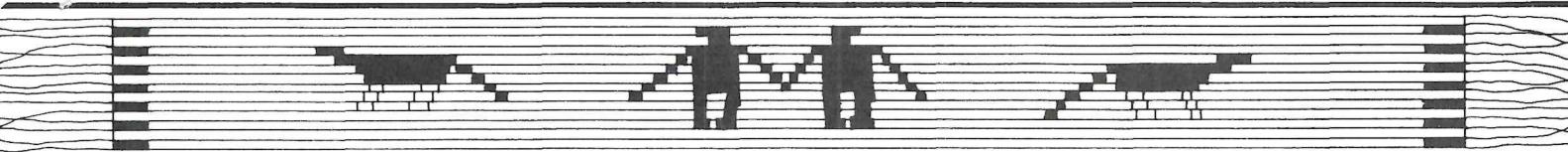


AKWESASNE MOHAWK COUNCIL RESOLUTION



THE	MOHAWK COUNCIL OF AKWESASNE	CURRENT CAPITAL BALANCE	\$ _____
AGENCY	SOUTHERN ONTARIO DISTRICT	COMMITTED	\$ _____
PROVINCE	ONTARIO / QUEBEC	CURRENT REVENUE BALANCE	\$ _____
PLACE	Cornwall Island Recreation	COMMITTED	\$ _____
DATE	<u>20</u> <u>February</u> <u>1997</u> DAY MONTH YEAR		

DO HEREBY RESOLVE:

MOVED: Lynn Roundpan
SECONDED: Phyllis Lazore

WHEREAS, the Mohawk Council of Akwesasne is a Community Government within the Mohawk Nation and therefore, has the inherent right to make laws for the Mohawk Community at Akwesasne, including the right to determine appropriate standards of ethical conduct for members of its Council, and

WHEREAS, the Mohawks of Akwesasne put their minds and attention to selecting particular respected members of this Community to serve as Elected Chiefs for the Mohawk Council of Akwesasne, and

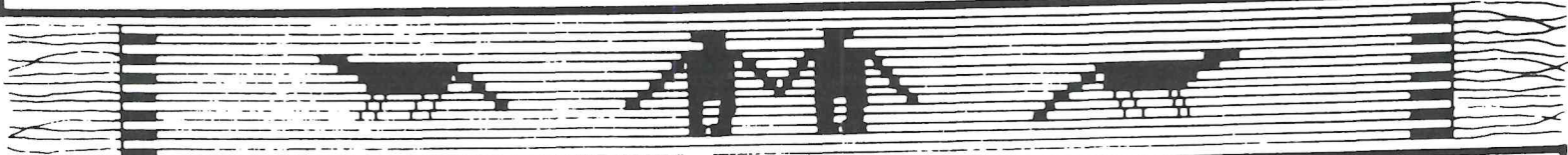
WHEREAS, the Mohawks of Akwesasne have placed their trust and confidence in the Elected Chiefs to uphold the Laws, integrity, character, and future of the Mohawk Community of Akwesasne in the manner prescribed by the Community, and

WHEREAS, the Mohawks of Akwesasne believe that selection as an Elected Chief is among the highest honours, that they can bestow upon a member of the Akwesasne Community, and

WHEREAS, the Elected Chiefs have made a commitment to the Akwesasne Community to share in the responsibility of serving, protecting, and upholding the laws, integrity, character, and future of this Mohawk Community, and to represent the Akwesasronen People, among us and those yet to come, and

FOR DEPARTMENTAL USE ONLY					
1. BAND FUND CODE	2. COMPUTER BALANCE		3. EXPENDITURE	4. AUTHORITY— INDIAN ACT	5. SOURCE OF FUNDS ☐ CAPITAL ☐ REVENUE
	CAPITAL \$ _____	REVENUE \$ _____			
6. RECOMMENDED			APPROVED		
DATE _____ RECOMMENDING OFFICER _____			DATE _____ APPROVING OFFICER _____		

AKWESASNE MOHAWK COUNCIL RESOLUTION



THE	MOHAWK COUNCIL OF AKWESASNE		CURRENT CAPITAL BALANCE	\$	_____
AGENCY	SOUTHERN ONTARIO DISTRICT		COMMITTED	\$	_____
PROVINCE	ONTARIO / QUEBEC		CURRENT REVENUE BALANCE	\$	_____
PLACE	Cornwall Island Recreation		COMMITTED	\$	_____
DATE	20 DAY	FEB MONTH	1997 YEAR		

DO HEREBY RESOLVE:

MOVED: Lynn Roundpoint
 SECONDED: Phyllis LAZORE

WHEREAS, the Elected Chiefs have made a commitment to respect and honour the Community as their representatives, through their good conduct, character, behavior, and accountability, and

WHEREAS, the Community of Akwesasne has set out terms of reference for members of Council in the Akwesasne Election and Voting Regulation, which are specifically adopted in this law,

THEREFORE BE IT RESOLVED, the Mohawk Council of Akwesasne enacts this Ethical Conduct Law to regulate the members of Council and to provide them with guidelines as to appropriate standards of conduct as well as guidelines for members of Council, when potential Conflict of Interest or issue of Misconduct arises.

CARRIED

[Signature]
 GRAND CHIEF

Lynn Roundpoint
 CHIEF
Michael Mitchell
 CHIEF
[Signature]
 CHIEF

Phyllis Lazore
 CHIEF
Raymond Mitchell
 CHIEF
Christine Dubois
 CHIEF

Johanne Jackson
 CHIEF
Kathleen Lapore
 CHIEF

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

[Signature]
 CHIEF

RECORDED VOTE:
 FOR:
 AGAINST:
 ABSTENTION:

FOR DEPARTMENTAL USE ONLY				
1. BAND FUND CODE	2. COMPUTER BALANCE		3. EXPENDITURE	4. AUTHORITY — INDIAN ACT
	CAPITAL \$ _____	REVENUE \$ _____		
5. SOURCE OF FUNDS ☐ CAPITAL ☐ REVENUE			6. RECOMMENDED	
DATE			RECOMMENDING OFFICER	
DATE			APPROVING OFFICER	

FINAL DRAFT

ETHICAL CONDUCT LAW FOR MOHAWK COUNCIL OF AKWESASNE

PREAMBLE

Whereas, the Mohawk Council of Akwesasne is a Community Government within the Mohawk Nation and therefore has the inherent right to make laws for the Mohawk Community at Akwesasne, including the right to determine appropriate standards of ethical conduct for members of its Council, *and*

Whereas, the Mohawks of Akwesasne put their minds and attention to selecting particular respected members of this Community to serve as Elected Chiefs for the Mohawk Council of Akwesasne, *and*

Whereas, the Mohawks of Akwesasne have placed their trust and confidence in the Elected Chiefs, to uphold the Laws, integrity, character, and future of the Mohawk Community of Akwesasne, in the manner prescribed by the Community, *and*

Whereas, the Mohawks of Akwesasne believe that selection as an Elected Chief is among the highest honours, that they can bestow upon a member of the Akwesasne Community, *and*

Whereas, the Elected Chiefs, have made a commitment to the Akwesasne Community, to share in the responsibility of serving, protecting and upholding the laws, integrity, character, and future of this Mohawk Community, *and*, to represent the Akwesasronen People, among us, and those yet to come, *and*

Whereas, the Elected Chiefs, have made a commitment to respect and honour the Community, as their representatives, through their good conduct, character, behavior, and accountability, *and*

Whereas, the Community of Akwesasne has set out terms of reference for members of Council in the Akwesasne Election and Voting Regulation, which are specifically adopted in this law,

Therefore Be It Resolved, the Mohawk Council of Akwesasne enacts this Ethical Conduct Law, to regulate the members of Council and to provide them with guidelines as to appropriate standards of conduct as well as guidelines for members of Council, when a potential Conflict of Interest or issue of Misconduct arises.

DEFINITIONS

2. In this law

“Akwesasne Member” means a person registered as a member of the Mohawk Community of Akwesasne in accordance with the Akwesasne Membership Code.

“Benefit” means a direct or indirect monetary or non-monetary advantage, other than the prestige associated with the position of member of Council.

“Business” means a sole proprietorship, partnership, corporation, or joint venture.

“Closely Related Person” means a person who is the immediate family of a member of Council or an associate in business where the member of Council holds a significant interest.

“Conflict of Interest” means any situation where:

- (a) A member of Council’s personal interest; or
- (b) the interest of an immediate family member or business in which the member of Council holds a significant interest.
may prevent the member of Council from acting,
- (a) in the Council or community’s best interest
- (b) on behalf of the Council fairly, impartially and without bias;

“Council” means the Mohawk Council of Akwesasne.

“Council decision” includes participation in the discussion and voting on the question.

“Council of Elders” means the body created pursuant to the provisions of the Akwesasne Membership Code.

“Court” means Akwesasne Mohawk Court.

“District Chief” means the person elected to the Council in the position of District Chief pursuant to the Akwesasne Election and Voting Custom Regulations.

“Grand Chief” means the person elected to Council as Grand Chief pursuant to the Akwesasne Election and Voting Regulations.

“Immediate family” means spouse, parent, parent-in-law, grandparent, brother, sister, child (including adopted children or those living with you as your child) or grandchild, or any spouse of the immediate family.

“Member of Council” means the Grand Chief or any District Chief of the Mohawk Council of Akwesasne.

“Person” includes a corporation.

“Resolution” means a formal motion moved and seconded by members of Council, and passed by majority of those present and entitled to vote at the meeting.

“Significant interest” means 25% or more ownership, shareholder, control, or other financial involvement.

“Spouse” includes:

- (a) a person considered to be a spouse according to the traditional laws of the Mohawk Community of Akwesasne.
- (b) a person married under the laws of the province or other government.
- (c) a person in a common-law relationship with a member of Akwesasne.

“Transaction” means an arrangement under which:

- (a) the Council and another person agrees to exchange value or services,
- (b) the Council confers a benefit on another person, or
- (c) the Council receives a benefit from another person.

PART I - TERMS OF REFERENCE OF MEMBERS OF COUNCIL

3. Terms of Reference of Grand Chief

- (a) Provides leadership on all community matters to the Mohawk Council of Akwesasne.
- (b) Lobbies with Portfolio Holder (or designate) to seek funding, or program delivery, for objectives, administrative or political, passed by resolution of the Mohawk Council of Akwesasne.
- (c) Acts as team leader of the negotiating team authorized to further the objectives passed by resolution of the Mohawk Council of Akwesasne.
- (d) Acts as team leader for all functions concerning funding or development of new or on-going programs recognized by the Mohawk Council of Akwesasne.
- (e) Participates as ex-officio member of all Council Committees, Commissions, and Boards.
- (f) Acts as impartial spokesperson of the Mohawk Council of Akwesasne to outside authorities and entities concerning the best interest of the whole community of Akwesasne.
- (g) Acts as impartial spokesperson to the Media on official positions taken by the Mohawk Council of Akwesasne.

- (h) Consults with the Mohawk Council of Akwesasne, as soon as possible, in circumstances where Council has not formally established a position on a given topic, and, where there has been Media interaction.
- (i) Represents two-thirds (9 member of Council) of the Mohawk Council of Akwesasne on all national concern issues.
- (j) Reports to the community of Akwesasne, at regular intervals in public forum, on efforts made on its behalf by the Mohawk Council of Akwesasne.
- (k) Act as impartial chairperson and coordinator of the General meeting of the Mohawk Council of Akwesasne.
- (l) Assists and coordinates the efforts of the District Chiefs of the Mohawk Council of Akwesasne.
- (m) Acts and facilitates, the discussions at the Council level, as impartial Chairperson.
- (n) Facilitates the resolution of contentious inter-District issues.
- (o) Votes as tie-breaker on Mohawk Council of Akwesasne resolutions save and except on contentious inter-District issues.
- (p) Advises and informs the Portfolio Holder in matters of the Portfolio program.
- (q) Receives information and direction on matters of the Portfolio program from the Portfolio Holders.
- (r) Acts as liaison between the Chief Administrative Officer and the Mohawk Council of Akwesasne.
- (s) Adheres to financial guidelines established by the Mohawk Council of Akwesasne.

4. Terms of Reference District Chiefs

- (a) Provides leadership on all district matters and when required on community matters to the Mohawk Council of Akwesasne.
- (b) Lobbies with Grand Chief and/or Program Managers to seek funding, or program delivery, for objectives, administrative or political, passed by resolution of the Mohawk Council of Akwesasne.

- (c) Acts as team participant of the negotiating team authorized to further the objectives passed by resolution of the Mohawk Council of Akwesasne.
- (d) Acts as team participant for all functions concerning funding or development of new or on-going programs recognized by the Mohawk Council of Akwesasne.
- (e) Participates as member of Council on Committees, Commissions, and Boards to which the District Chief is assigned or to which the District Chief must make presentations with appropriate approvals on behalf of a community member.
- (f) Attends consistently all meetings of the Mohawk Council of Akwesasne.
- (g) Represents community and district issues to the Mohawk Council of Akwesasne.
- (h) Acts as spokesperson for the whole community of Akwesasne when authorized by Council to outside authorities and entities.
- (i) Acts as impartial delegated spokesperson to the Media on Official positions taken by the Mohawk Council of Akwesasne as required.
- (j) Consults with the Mohawk Council of Akwesasne on a continuing basis, to establish a position on a given topic.
- (k) Votes on Mohawk Council of Akwesasne resolutions.
- (l) Reports to the community of Akwesasne, at regular intervals in public forum, on efforts made on its behalf by the Mohawk Council of Akwesasne.
- (m) Assists and coordinates the efforts of the Grand Chief of the Mohawk Council of Akwesasne.
- (n) Participates in discussions at the Council level in the best interests of his district.
- (o) Acts as liaison between the people of his District and the Mohawk Council of Akwesasne.
- (p) Introduces and promotes the resolution of contentious inter-District issues.
- (q) Ensures that his Portfolio mandate is met in the best interest of the community.

- (r) Advises and informs the Grand Chief in matters of his Portfolio responsibility.
- (s) Receives information and direction from the Grand Chief on matters of his Portfolio responsibility.
- (t) Executes any functions or responsibilities assigned to him by the Mohawk Council of Akwesasne.
- (u) Adheres to financial guidelines established by the Mohawk Council of Akwesasne.

PART II - CONDUCT OF MEMBERS OF COUNCIL

APPLICATION: CONFLICT OF INTEREST

- 5.(1) A member of Council must arrange their affairs and conduct themselves in a manner to avoid:
 - (a) a conflict of interest; or,
 - (b) the appearance of a conflict of interest.
- 5.(2) The “Schedule A: Guidelines for Members of Council” form part of this law and apply to all members of Council.”

STANDARDS OF CONDUCT: DUTIES OF MEMBERS OF COUNCIL

- 6.(1) A member of Council must fulfill their oath of office and conduct themselves in a respectful manner to faithfully, honestly and conscientiously serve the people and community of Akwesasne.
- 6.(2) Without limiting the generality of subsection (1) a member of Council shall:
 - (a) perform the duties and responsibilities of their position conscientiously and honestly to the best of their ability in the interests of the Mohawks of Akwesasne.
 - (b) conduct themselves in their public and personal life with integrity and in a manner that will maintain and enhance respect for the Council and the community of Akwesasne.
 - (c) refrain from the consumption of alcohol or drugs (except for medical purposes) during the work day.

- (d) perform their duties courteously, refraining from rudeness or profanity in dealings with other Council members, administrative staff, officials and representatives from other governments, First Nations and the public.
 - (e) use information obtained in the course of their duties or position as a Member of Council only for purposes intended to serve Akwesasne.
 - (f) protect the confidentiality of all information, written or oral, in accordance with their oath of office, general policies or laws applying to Council or its administration and any specific confidentiality provisions in a specific Mohawk Council Resolution.
- 7.(1) A member of Council must not allow personal interests to:
- (a) compete with those of the Council, or
 - (b) come into consideration in any matter in which the interests of the Community are involved.
- 7.(2) A member of Council must avoid any situation which would compromise the member's integrity, independence and ability to act impartially on behalf of the Council and in the best interests of the Community.
- 7.(3) A member of Council must not use his or her position on Council to derive a benefit.
- 7.(4) A member of Council must not disclose or benefit from the use of confidential information obtained by participating on Council.
- 7.(5) A member of Council must avoid any situation that could result in the appearance of a breach of subsection (1) to (4).
- 7.(6) This section is subject to section 10, 11 and 12 and matters carried out in accordance with those sections shall not be deemed to contravene this section.

PART III - COUNCIL'S DUTIES

8. Where Council wishes to:
- (a) enter into a transaction with a member of Council or
 - (b) enter into a transaction with a closely related person, or
 - (c) enter into a transaction with a person if a member of Council or a closely related person might derive a benefit, it must do so in accordance with this law.

COUNCIL DECISIONS

- 9.(1) A member of Council must not take part in a Council decision about a transaction between the Council and:
- (a) the member of Council,
 - (b) a person who is a closely related person, or
 - (c) any other person if the member of council or closely related person might derive a benefit from the transaction.
- 9.(2) Where the only benefit derived by an immediate family member is as an employee of a person or business entering into a transaction with Council, no conflict of interest arises and a member of Council may take part in the Council's decision.
- 9.(3) A member of Council who must not participate in a Council decision must:
- (a) disclose the reason to the Council,
 - (b) leave the meeting room, and
 - (c) not be counted as part of the quorum at the meeting in which a Council decision is made relating to a transaction referred to in subsection (1).

ACCEPTABLE TRANSACTIONS

- 10.(1) (a) It is recognized that among First Nations and aboriginal peoples generally and particularly within the Mohawk Nation, gift exchanges between Nations, communities and individuals represent a long standing tradition of greeting, hospitality, trust and honour.
- (b) It is also recognized that Members of Council perform a broad variety of functions and services both within and outside the Akwesasne community as part of their responsibilities and duties as Members of Council.
- (c) This law shall not be used or interpreted to restrict appropriate gift giving or receiving customs or Traditions or to prevent due recognition by way of a gift to a Member of Council in recognition of their service to the Community of Akwesasne or to aboriginal cause or institution.
- 10.(2) A member of Council may accept hospitality or a gift,
- (a) it is the normal exchange of hospitality or a customary gesture to courtesy between persons doing business together,
 - (b) the exchange is lawful and in accordance with community ethical practice and standards, and

(c) could not be construed by an impartial observer as a bribe, pay off or improper or illegal payment.

10.(3) The following transactions do not contravene sections 7 or 8:

- (a) The member of Council guarantees repayment of, or otherwise assumes liability to repay, a loan made to the Council,
- (b) the transaction is with a non-profit organization and the member of Council is a director or member of that organization,
- (c) The Council agrees to indemnify or reimburse the member for expenses or liabilities incurred by reason of being a member of Council, or arranges for insurance against these risks.

PROCEDURE

11.(1) Where Council is considering a transaction which may give rise to a conflict of interest or the appearance of a conflict of interest as defined in this law, it may only agree to the transaction where:

- (a) The member or members of Council affected have complied with section 9(3),
- (b) The transaction is fair and reasonable to the Council,
- (c) The transaction is in keeping with community expectations about the conduct of the Council's activities,
- (d) A quorum of Council is present for the decision, and
- (e) The resolution agreeing to or authorizing the transaction is passed by a majority of those on Council present and entitled to vote at the meeting.

11.(2) A failure by a member of Council to provide Council with enough information to assess the nature of an interest in a transaction invalidates an authorization under this section.

11.(3) A Council that authorizes a transaction under this section may make the authorization contingent upon the affected member of Council taking steps or observing procedures that may be necessary in the circumstances to protect the Council or to safeguard the public trust in the conduct of the Council's activities.

OTHER AUTHORIZATION

12.(1) In circumstances where because of provisions in this law no quorum of Council can be established to consider a transaction, the matter shall be brought before the next Council meeting at which time the transaction shall be considered.

- 12.(2) (a) If quorum can never be established for a Council meeting because of this law, the matter shall be brought before a special general meeting called to consider the transaction.
- (b) At the special general meeting, members of Council affected shall disclose the circumstances preventing them from participating in the decision concerning the transaction in question.
- (c) There shall be a discussion of the transaction and a vote may be taken upon motion presented and seconded by persons eligible as voters under Akwesasne Election and Voting Custom Regulations. The transaction may be authorized if approved by a majority of eligible voters voting on the question.
- 12.(3) Where a transaction is authorized under this section, the decision shall be recorded in the minutes of the general meeting and a copy of the resolution attached thereto.

PART IV - REMEDIES

- 13.(1) Where a transaction is not carried out in accordance with this law, a member of Council must repay any benefits received under the transaction, unless after full disclosure of the nature and extent of the member's interest, two thirds (nine - 9) of the remaining members of Council at a Special Meeting called to consider the matter, approve the transaction or provide a different remedy.
- 13.(2) If a transaction is entered into in contravention of this law, the court may, on the application of the Council or an Akwesasne member over the age of eighteen (18);
- (a) Prohibit the Council from entering the proposed transaction,
- (b) Set aside the transaction, or
- (c) Make any order that it considers appropriate.
- 13.(3) A Council decision authorizing or refusing to authorize a transaction under this section shall not be set aside by the court if:
- (a) Procedures required for arriving at the decision were faithfully observed,
- (b) The Council had enough information about the transaction to assess the nature of the interest of a member of Council or a closely related person on it, and
- (c) The Council acted honestly and in good faith.
- 13.(4) No liability attaches to the Council for contravening section 8.

13.(5) Nothing in this law relieves a member of Council from a liability that by virtue of a rule of law would otherwise attach to the member in respect of breach of duty or breach of trust of which a member of Council may be liable in relation to the Council.

13.(6) Nothing in this Section affects the liability of a member of Council to prosecution under Section 14 for violation of this law.

PART V - OFFENSES

14.(1) The Akwesasne Mohawk Court shall hear matters relating to alleged violations of this law.

14.(2) Any person who contravenes this law is guilty of an offense and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 30 days or to both fine and imprisonment.

14.(3) In addition to any other penalty imposed under this section the Court may on conviction make an order of the type set out in section 13(2) a, b, or c.

PART VI - APPEALS

15. (1) Any decision or order of the Court may be appealed to the Council of Elders.

(2) An appeal must be commenced by filing a notice in writing with the Clerk of the Mohawk Court setting out the reasons for writing the appeal within ten (10) days of the decision or order of the Court.

(3) The decision of the Council Elders on any appeal shall be final.

PART VII - AMENDMENTS

16.(1) The process to amend this law shall begin by:

(a) A motion made by one of the Members of Council setting out the proposed amendment and supported by a majority vote of Members of Council present at a duly convened meeting where the motion is presented;

(b) A petition presented to Council signed by at least 150 eligible voters, setting out the proposed amendment.

16.(2) To constitute a valid amendment:

- (a) Appropriate notice shall be given to the members of the Mohawk Community of Akwesasne of the amendment proposed. Notice shall be by publication in community newspapers, announcements on community radio stations, or other public notices as determined by Council;
- (b) The community shall be consulted on the proposed amendments by holding at least one community meeting in each District of Akwesasne, to consider the proposed amendments;
- (c) A Special General Meeting is held for the purpose of considering the amendments;
- (d) Notice is given to the community at least seven (7) days prior to the Special General Meeting, and
- (e) For section 3 and 4 of this Law, a vote will be taken at a General Meeting and the proposed amendments will be approved by a majority of those Akwesasne members present and entitled to vote.
- (f) For all other sections of this Law, a vote of Council on the amendments is taken at the Special General Meeting and the amendments are accepted by a majority vote of members of Council present at the meeting.

SCHEDULE A: Guidelines for Members of Council

DEFINITION

- 1.1 A conflict of interest in any situation where:
- a) your personal interests, or
 - b) the interest of an immediate family member, business associate, corporation or partnership in which the member of Council holds a significant interest, or a person to whom the member of Council owes an obligation,
- may prevent the member of Council from acting
- c) in the Council or Community's best interest, and
 - d) on behalf of the Council fairly, impartially and without bias.
- 1.2 For the purpose of this section:
- a) an immediate family member means spouse, parent or 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.
 - b) any reference to spouse includes a common law spouse.
 - c) significant interest means 25% or more ownership, shares, control of the financial involvement.

GENERAL DUTIES

- 1.3 You must arrange your private affairs and conduct yourself in a manner to avoid:
- a) a conflict on interest, or
 - b) the appearance of a conflict of interest.
- 1.4 Unless authorized by resolution of Council to do so, you may not:
- a) Act on behalf of the Council, or deal with the Council, in any matter where you are in a conflict of interest or appear to be in a conflict of interest, nor
 - b) use your position, office or affiliation with the Council to pursue or advance your personal interests or those of a person or body described in section 1.1(b).
- 1.5 You must immediately disclose a conflict of interest in writing to the Council or a person the Council designates. You must make the disclosure when the conflict first becomes known to you. If you do not become aware of the conflict until after a transaction is concluded, you must still make disclosure immediately.

- 1.6 If you are in doubt about whether you are or may be in a conflict of interest, you may request the advice of the Council or a person the Council designates.
- 1.7 Unless otherwise directed, you must immediately take steps to resolve the conflict or remove the suspicion that exists.

AVOIDING A CONFLICT OF INTEREST

- 2.1 You must not personally, directly or indirectly, benefit from any transaction involving the Council except where authorized in accordance with these rules or the Standards of Conduct law.
- 2.2 An indirect benefit is:
 - a) a benefit derived by a person described in section 1.1(b)
 - b) a benefit which advances or protects your interest although it may not be measurable in money.
- 2.3 You must not use your relationship with the Council to confer an advantage on yourself or on a person described in section 1.1(b).

USING COUNCIL PROPERTY AND COUNCIL INFORMATION

- 3.1 You must have authorization by resolution of Council to:
 - a) use property owned by Council for personal purposes, or
 - b) purchase Council property unless it is through usual channels of disposition equally available to all community members. Even then, you may not purchase the property if you are involved in some aspect of the sale.
- 3.2 You may not take personal advantage of an opportunity available to the council unless:
 - a) it is clear that the Council has irrevocably decided against pursuing the opportunity, and
 - b) the opportunity is equally available to members of the public, and you have complied with the Provisions of the Governance Law.
- 3.3 You may not use your position with the Council to solicit clients for a personal business or one operated by a person described in section 1.1(b). This duty does not prevent you or anyone else, subject to these guidelines and the Governance Law, from transacting business with other people connected with the Council.

- 3.4 Council information is information which is acquired solely by reason of involvement with the Council and which the Council is under an obligation to keep confidential.
- 3.5 You may have access to Council information only for Council purposes.
- 3.6 You must not use Council information for your personal benefit.
- 3.7 You must protect Council information from improper disclosure.
- 3.8 You must report any incident of abuse of Council information to Council or a person the Council designates.
- 3.9 You may divulge Council information if:
 - a) it is information, members of the community are entitled to receive, and
 - b) you are authorized to release it, and you release it to a person who has a lawful right to the information.
- 3.10 If you are in doubt about whether Council information may be released, you must request advice from Council or a person the Council designates.

RULES ABOUT GIFTS

- 4.1 You may accept a gift in the following circumstances:
 - a) it is the normal exchange of hospitality or a customary gesture of courtesy between persons doing business together,
 - b) the exchange is lawful and in accordance with community ethical practice and standards, and
 - c) could not be construed by an impartial observer as a bribe, pay-off or improper or illegal payment.
- 4.2 You personally may not use Council property to make a gift, charitable donation or political contribution to anyone on behalf of the Council. Any charitable donation or political contribution must have the authorization of the Council or a person the Council designates. No gift of Council property shall be given to any person unless it is in accordance with principles set out in 4.1. (a) (b) or (c).



AKWESASNE JUSTICE DEPARTMENT

Box 579
Cornwall, Ontario K6H 5T3

TEL: 613-575-2348
FAX: 613-575-2884

MEMORANDUM

TO: Francis Sam, C.A.O. and Chiefs of Mohawk Council of Akwesasne

FROM: Vuk Kovich, Prosecutor, Akwesasne Mohawk Court 

RE: Ethical Conduct Law Procedure

DATE: May 30, 1997

As you are aware, Council enacted the Ethical Conduct Law for Mohawk Council of Akwesasne, by Resolution # 1996/1997-466, on February 20, 1997. Recent events have led the Akwesasne Justice Department to anticipate a complaint against a District Chief under this law.

In order to administer any Law appropriately, a procedural process must be in place. Consequently, as lawyers familiar with the requirements of such a process, Micha Menzer and I met last week in order to "hammer-out" what we have named, "The Ethical Conduct Law Procedure" (copy attached). The steps contained therein were reviewed with Louise Thompson, Justice Department Coordinator, and upon confirming that they did not affect the Law itself we adopted the Procedure.

Because it is merely administrative in nature and does not change the scope of the Law, we shall be using this Procedure. Perhaps Council could further entrench the document by adopting it by Resolution, thereby re-naming it "The Ethical Conduct Law Procedural Regulations."

In the mean time, please advise us if you have any comments or suggestions.

**MOHAWK COURT OF AKWESASNE
ETHICAL CONDUCT LAW PROCEDURES**

1. Persons wishing to file a complaint against a member of Council for alleged violations of the Ethical Conduct Law shall do so in accordance with the following procedures.
2. The complaint shall be in writing and shall include the following:
 - (a) the name of the member of Council against whom the complaint is brought;
 - (b) a concise statement of the facts upon which the complaint is based;
 - (c) the date the written complaint is presented.
3. The written complaint shall be filed with the Akwesasne Mohawk Justice Department.
4. The complaint shall be investigated by the Prosecutor of the Akwesasne Mohawk Court to determine whether the complaint falls within the provisions of the Ethical Conduct Law.
5. Where the Prosecutor determines the complaint falls within the provisions of the Ethical Conduct Law, an information and Notice to Appear in Mohawk Court shall be prepared and shall be served on the member of Council by the Akwesasne Mohawk Police.
6. Where the Prosecutor determines that the complaint does not fall within the provisions of the Ethical Conduct Law, a letter shall be sent by the Prosecutor to the complainant explaining the basis for not proceeding to prosecute under the Ethical Conduct Law.
7. Where for any reason Akwesasne Justice Department determines that the integrity or impartiality of the process would be compromised, or appear compromised if the Prosecutor of the Akwesasne Mohawk Court investigated and/or prosecuted the complaint, an independent Prosecutor shall be brought in to handle the complaint.
8. Where the complainant or the member of Council charged or the Judge of the Akwesasne Mohawk Court believe it to be inappropriate for an Akwesasne Mohawk Court Judge to hear the case, a Judge from the Mohawk Court of Kahnawake may be brought in to hear the case. Where no Judge of the Mohawk Court of Kahnawake is available, the Akwesasne Justice Department may bring from another Court to hear the case.

May 30, 1997