



REGULATION CONCERNING ALTERNATE BOARD MEMBERS

K.R.L. c. C-4, r-6

Enacted by Mohawk Council Executive Directive (MCED) #43/2024-2025 on June 17, 2024

DEFINITIONS

1. The definitions provided in the *Kahnawà:ke Cannabis Control Law* have the same meaning in this Regulation.
2. For the purposes of this Regulation:
 - “**alternate board member**” means a person appointed under this Regulation;
 - “**Board**” means the Kahnawà:ke Cannabis Control Board;
 - “**Council**” means the Mohawk Council of Kahnawà:ke;
 - “**Law**” means the *Kahnawà:ke Cannabis Control Law*, K.R.L. c. C-4; and
 - “**licence**” means a licence issued by the Board.

REQUIREMENT OF ALTERNATE BOARD MEMBERS

3. To facilitate the functioning of the Board without interruption, there will be a maximum of two (2) alternate members appointed by Council to serve on the Board, when required.
4. An alternate board member may be required to serve on the Board to ensure quorum for the purpose of conducting meetings and making decisions by temporarily replacing a Board member who is unable to be present for various reasons, including but not limited to illness or a conflict of interest. An alternate board member may also be requested to attend certain meetings of the Board to keep abreast of key issues or contribute to their expertise, knowledge, skills and training for their participation on the Board.

5. The Board will review the maximum number of alternate board members on a regular basis, at least annually, and after consulting with the Council, may amend the maximum number set out in section 3 of this Regulation as may be appropriate.

APPOINTMENT OF ALTERNATE BOARD MEMBERS

6. Alternate board members will be selected and appointed by Council from a list of eligible persons who have applied for the position.
7. Consistent with section 13.3 of the Law, to be eligible to be selected and appointed as an alternate member of the Board, a person must:
 - (a) be a Kanien'kehá:ka of Kahnawà:ke;
 - (b) have attained the full age of twenty-one (21) years old;
 - (c) be resident within the Territory;
 - (d) not have an interest in a private entity that has applied for or has been granted a licence;
 - (e) not have a family member that has an interest in a private entity that has applied for or has been granted a licence; and
 - (f) have no criminal conviction for an indictable offence or have received a full pardon for any such conviction.
8. Council will ensure that persons to be appointed as an alternate board member are mature, responsible and, wherever possible, have experience with regulatory matters or participating on boards or commissions.
9. Alternate members of the Board may be remunerated for the time required to provide the services associated with their position, as determined by Council.

TERM OF OFFICE

10. Subject to early termination in accordance with this Regulation, an alternate board member's term of office will be not less than two (2) years and not more than three (3) years. Wherever possible, Council will stagger alternate board members' appointments to ensure continuity and consistency.
11. Upon expiry of an alternate board member's term of office, subject to the other provisions of this Regulation, the member is eligible to be re-appointed for another term of office. There is no limitation on the number of consecutive terms of office a member may serve.

12. In determining the eligibility of a member's re-appointment for another term of office, the Council will ensure that the member still satisfies the same eligibility criteria in the Law.
13. Council may, for reasonable cause, remove an alternate board member from their position prior to the expiry of their term of office.
14. Alternate board members may resign from their position prior to the expiry of their term of office by giving written notice to the Board and to the Council at least sixty (60) days prior to the date on which the resignation is to be effective. In the event an alternate board member resigns, effective immediately, due to unforeseen circumstances, they must inform the Board in writing indicating the reason/s as soon as reasonably possible.
15. In the event an alternate board member is removed, resigns or is unable to continue performing their duties for any reason, Council will appoint a new alternate board member within thirty (30) days or such other period of time that is necessary to ensure the Board always has two (2) alternate members.

DUTIES AND RESPONSIBILITIES

16. Subject to the Law and its regulations and when serving on the Board, an alternate board member will carry out the same duties and responsibilities as a member of the Board. For greater certainty, alternate board members are not required to attend Board meetings unless requested to attend for various reasons including but not limited to serving on the Board in the absence of a Board member or for informational purposes.
17. Whenever possible, alternate board members will participate in Board meetings in person. However, with the permission of the other members, an alternate board member may participate in a meeting via telephone or other electronic means.
18. Alternate board members will undertake all necessary training to enable them to fulfill their mandates more effectively and efficiently.
19. An alternate board member will also be subject to the directives of the Board and may not act outside of the scope of authority contained in those directives.

PERMITTED ACTIVITIES

20. When a permanent vacancy on the Board occurs, an alternate board member may be deemed eligible by Council to be selected and appointed as a member of the Board to fill the vacancy if that person still satisfies the eligibility criteria in the Law.

GENERAL PROVISIONS

21. This Regulation may be amended in accordance with the procedure set forth in the Community Decision Making and Review Process as amended from time to time.