

Title

# KAHNAWÁ:KE TEWATOHNHI'SAKTHA ECONOMIC DEVELOPMENT COMMISSION LAW

K.R.L. c. T-1

[Enacted by MCR #09/1999-2000 on 10 Onerahtohkó:wa/May, 1999]  
[Amended by MCR #55/2003-2004 on 12 Enniska/February, 2003]  
[Repealed and Replaced by MCR #6/2005-2006 on 06 Ohiarí:ha/June, 2005]

## SECTION I

### 1. JURISDICTION

"Jurisdiction"

- 1.1 The Kanien'kehaka of Kahnawá:ke, as part of the Kanien'kehá:ka Nation and the Rotinohsonnión:we, are, and have always been, sovereign people.
- 1.2 The Kanien'kehaka of Kahnawá:ke have consistently and historically exercised ultimate and exclusive jurisdiction over the Kanien'kehaka Territory of Kahnawá:ke.
- 1.3 The Kanien'kehaka of Kahnawá:ke; have existing and inherent rights, including the right of self-determination, which includes the right and responsibility to implement, encourage and regulate economic development within their Territory.
- 1.4 The Kanien'kehaka of Kahnawá:ke, represented by the Mohawk Council of Kahnawá:ke, have the ultimate and exclusive power, right and jurisdiction to establish and empower such entities as are necessary to implement, encourage and regulate economic development within their Territory.

### 2. PURPOSE

"Purpose"

- 2.1 This Law is an expression of the needs of the Kanien'kehaka of Kahnawá:ke that an entity be established and empowered to identify, research, initiate and manage economic development opportunities that reflect the needs, traditions, language, values and priorities of the Kanien'kehaka of Kahnawá:ke and to facilitate and assist other economic development initiatives within the Kanien'kehaka Territory of Kahnawá:ke, and elsewhere, in the best interests of the Kanien'kehaka of Kahnawá:ke.

*"Definitions"*

### 3. DEFINITIONS

3.1 For the purposes of this Law and the Regulations:

*"Board"*

**"Board of Directors"** or **"Board"** means the Board of Directors of Tawatohnhi'saktha and, unless otherwise stated, includes both elected and ex-officio members of the Board of Directors;

*"Community-Scale economic development"*

**"Community-scale economic development project"** means a business established and operated by Tawatohnhi'saktha for the collective benefit of the Kanien'kehaka of Kahnawá:ke;

*"Immediate family"*

**"Immediate family member"** means the spouse, parent or child of an individual or a brother and sister;

*"Kanien'kehaka"*

**"Kanien'kehaka of Kahnawá:ke"** means a person that is defined as a Kanien'kehaka of Kahnawá:ke pursuant to the present Kahnawá:ke Membership Laws (1981 Moratorium and 1984 Kahnawá:ke Mohawk Law) or any Kahnawá:ke Membership Laws or Codes that may be enacted from time to time;

*"Territory"*

**"Kanien'kehá:ka Territory of Kahnawá:ke"** or **"Territory"** means:

- a) the lands, water, airspace and property, and the rights attached to them under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke;
- b) any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke through the negotiation and resolution of land grievances; and
- c) any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehá:ka of Kahnawá:ke as a result of any other means;

and includes both privately held lands and lands that are held in common for the Kanien'kehaka of Kahnawá:ke;

*"Person"*

**"Person"** means an individual, a corporation or a partnership;

*"Tawatohnhi'saktha"*

**"Tawatohnhi'saktha"** means the Kahnawá:ke Economic Development Commission;

*"Creation of  
Tewatohnhi'saktha"*

4. **TEWATOHNI'SAKTHA KAHNAWÁ:KE ECONOMIC DEVELOPMENT  
COMMISSION**

4.1 Tewatohnhi'saktha is hereby established by the Mohawk Council of Kahnawá:ke, and empowered by the Kanien'kehaka of Kahnawá:ke. Tewatohnhi'saktha is a legal entity with the powers and duties defined by this Law. Tewatohnhi'saktha is not a corporation.

*"Bank accounts"*

4.2 In addition to any other powers and duties provided by this Law, Tewatohnhi'saktha may, in its own name, establish and maintain bank accounts, borrow or lend moneys and enter into contracts or other legal arrangements. It may sue and be sued.

*"Mandate"*

4.3 The primary mandate of Tewatohnhi'saktha is to enhance the cultural, social and political well-being of the Kanien'kehaka of Kahnawá:ke through economic development consistent with Kanien'kehaka shared values, culture, language, traditions and priorities of the Kanien'kehaka of Kahnawá:ke. Tewatohnhi'saktha will engage in acceptable business activities, not contrary to any Laws applicable in the Kanien'kehaka Territory of Kahnawá:ke, which assist, encourage or promote sustainable economic development and which allow for the creation of wealth for the Kanien'kehaka of Kahnawá:ke. Tewatohnhi'saktha will respect our Mother the Earth through compliance with applicable environmental, health and safety standards.

*"Community-Scale  
Economic  
Development  
Projects"*

4.4 Tewatohnhi'saktha has the primary responsibility for researching, developing, establishing and operating community-scale economic development projects. It has the authority to exercise this responsibility independently from the Mohawk Council of Kahnawá:ke. Following the enactment and coming into force of this Law, the Mohawk Council of Kahnawá:ke may transfer to Tewatohnhi'saktha all or part of responsibilities for, and involvement in, community-scale economic development projects and will negotiate the transfer of funds, property, assets, liabilities and personnel directly associated with community-scale economic development projects under the control of the Mohawk Council of Kahnawá:ke to Tewatohnhi'saktha and will encourage that any such future projects are directed to Tewatohnhi'saktha. In those projects to be transferred where there is a third party interest, the acquired rights of the third party will be respected.

*"Functions"*

4.5 Tewatohnhi'saktha will provide the following services and engage in the following activities:

- a) Promote, establish and coordinate community scale economic development within and for the Territory;

- b) Promote business and economic development within and for the Territory;
- c) Pursue its own business initiatives and structure these initiatives as may be required, including the use of joint ventures, partnerships, corporations or other business vehicles that are appropriate to meet the business and liability requirements of a particular initiative;
- d) Generate profits that will increase ownership value and create wealth for the general benefit of the Kanien'kehá:ka of Kahnawá:ke;
- e) Prioritize activities to optimize the use of common lands specifically designated for economic development purposes for the Kanien'kehaka of Kahnawá:ke.
- f) In its own name or in trust for the Kanien'kehaka of Kahnawá:ke, acquire, hold and transfer lands, within and outside of the Kanien'kehá:ka Territory of Kahnawá:ke, that are necessary for the purpose of fulfilling Tewatohnhi'saktha's mandate, and
- g) Make available business and financial service delivery to all existing and new businesses and entrepreneurs within the Territory.
- h) Make available training and employment programs and services to the Kanien'kehaka of Kahnawá:ke.

*"Use of common land specifically designated for commercial purposes"*

4.6 The Mohawk Council of Kahnawá:ke is responsible for leasing, allotting, or granting permits for the use of common lands within the Territory. Tewatohnhi'saktha, if it is necessary to do so, will make recommendations to the Mohawk Council of Kahnawá:ke for the use of common lands within the Territory.

**5. BOARD OF DIRECTORS OF TEWATOHNHI'SAKTHA**

*"Board of Directors"*

5.1 The business and affairs of Tewatohnhi'saktha will be managed by a Board of Directors (the "Board") composed of elected members and ex-officio members, as provided in this Law.

*"Interim Board"*

5.2 Until such time as the first election of elected members of the Board is completed in accordance with the provisions of this Law, an interim Board of Directors

appointed by the Mohawk Council of Kahnawá:ke will function as Tawatohni'saktha's Board of Directors. The interim Board will have all of the powers and duties provided for by this Law to the Board of Directors.

*"Board Structure"*

5.3 The Board of Directors will consist of:

- a) not less than seven (7) members who are elected by the Kanien'kehaka of Kahnawá:ke (the "elected members of the Board of Directors").
- b) ex-officio members (the "ex-officio members of the Board of Directors") as provided herein.

*"Change in Number"*

5.4 Subject to section 5.5, when the Board determines it necessary for Tawatohni'saktha to fulfill its mandate, it may by resolution, with the approval of the Mohawk Council of Kahnawá:ke:

- a) Increase the number of elected members of the Board for the purposes of the next regularly scheduled election;
- b) Increase the number of ex-officio members of the Board.

*"Number of ex-officio members"*

5.5 The number of ex-officio members of the Board will always be less than the number of elected Board members.

*"Names of Members to be made public"*

5.6 The names of all members of the Board, both elected and ex-officio, will be presented to the Kanien'kehaka of Kahnawá:ke by public notice within thirty (30) days after their election or appointment.

*"Elected Members of the Board"*

5.7 Subject to the provisions of this Law, the elected members of the Board will be elected by Kanien'kehaka of Kahnawá:ke who are at least eighteen (18) years old.

*"Election Procedure"*

5.8 The elected members of the Board will be chosen by the Kanien'kehaka of Kahnawá:ke in accordance with the following procedures:

- a) Elections will be conducted by an Electoral Officer appointed by resolution of the Board and held on a date chosen by the Electoral Officer, normally in the month of July; and the Electoral Officer will have the same responsibilities and duties as afforded them in the Kahnawá:ke Elections Regulations, unless regulations under this Act are enacted affording them different responsibilities and duties. If the rules established in this Law are in contradiction with the Elections Regulations, then the rule established in this Law shall prevail;

- b) The Electoral Officer will fix a date for the election of board members no less than forty-five (45) days and no more than sixty (60) days from the date on which the Electoral Officer is appointed;
- c) Nominations of persons to serve as an elected member of the Board must be received by the Electoral Officer not less than thirty (30) days prior to an election date;
- d) To be eligible to be nominated for a position as elected member of the Board, a person must be a Kanien'kehaka of Kahnawá:ke who is at least twenty-one (21) years old and who has engaged in a commercial activity recognized by the Mohawk Council of Kahnawá:ke for at least three (3) years prior to their nomination;
- e) An unlimited number of eligible persons may be nominated for the available positions on the Board;
- f) Eligible nominees must have their nomination proposed and seconded by two other Kanien'kehaka of Kahnawá:ke who are at least eighteen (18) years old. The eligible nominee must accept the nomination, in writing;
- g) When requested by the Electoral Officer, a nominee must prove he or she is at least twenty-one (21) years old, and the person who proposed a nomination or a person who seconded a nomination must provide proof that that he or she is a Kanien'kehaka of Kahnawá:ke who is at least eighteen (18) years old;
- h) After the date on which nominations are closed, the Electoral Officer will submit the list of eligible nominees to the Mohawk Council of Kahnawá:ke for verification that the persons nominated are:
  - i. Kanien'kehaka of Kahnawá:ke who are at least twenty-one (21) years old, and
  - ii. business owners, who have engaged in a commercial activity recognized by the Mohawk Council of Kahnawá:ke, for at least three (3) years prior to their nomination;
- i) The Mohawk Council of Kahnawá:ke will, within fifteen (15) days, advise the Electoral Officer in writing of its decision as to each nominee's eligibility to stand as a candidate for election. The decision of the Mohawk Council of Kahnawá:ke is final;
- j) The Electoral Officer will notify each nominee of the Mohawk

Council of Kahnawá:ke's decision concerning his or her eligibility to stand as a candidate for election and will issue a public notice setting out the names of the eligible candidates;

- k) The Electoral Officer will proceed with the election using only the names of the eligible candidates;
- l) The Board will establish a committee to prepare a summary of the duties, responsibilities and functions performed by members of the Board to be made available to Kanien'kehaka of Kahnawá:ke for their information and assistance in the election process;
- m) The eligible candidates with the most votes in the election will become elected members of the Board;
- n) The number of members elected in each election will equal the maximum number of available elected positions on the Board at the time of the election;
- o) The rules for appeals under the Kahnawá:ke Election Regulations apply *mutatis mutandis* to appeals of the elections carried out under this Act.

"Change of Procedure"

5.9 This procedure for electing members of the Board will be followed until such time as a procedure more consistent with the traditions of the Kanien'kehaka of Kahnawá:ke is developed, or until such time as a standardized procedure for elections of Board Members for the various boards in Kahnawá:ke is developed and implemented and this Law is amended accordingly.

"Terms of Office"

5.10 Subject to sections 5.12 to 5.15, all elected members of the Board will serve a term of office of four (4) years.

"Consecutive terms allowed"

5.11 There is no limitation on the number of consecutive terms of office an elected member of the Board may serve.

"Transitional Period and Staggered Terms of Office"

5.12 The terms of office of elected members of the Board will be phased in over a transitional period and will thereafter be staggered to maintain continuity.

"Interim Election"

5.13 On the date this Law was amended on February 12, 2004, there remained five (5) members of the Interim Board who ceased or shall cease to hold office and be replaced by elected members in the following manner. The terms of office of two (2) of the five (5) inaugural appointed members of the Interim Board will end in March 2004. These two positions will be the subject of the first Board election in which three (3) members will be elected for a term of office ending in July 2007. The three (3) remaining inaugural appointees to the Interim Board will continue to serve until July 2005 at which time these three (3) positions will be the subject of an election in addition to the seventh seat which will be also be elected at this time.

*“Return to regular elections”*

5.14 Thereafter, elections for three (3) or four (4) members of the Board will be held every second year in July or on a date specified by the Electoral Officer.

*“Appointees”*

5.15 The decision as to which inaugural appointees’ to the Interim Board will have their positions put up for election will be made by agreement reached within the Board or, failing agreement, by a random draw.

*“Resignation”*

5.16 An elected member of the Board may resign from office prior to the expiry of his or her term of office by giving a written notice to the Board at least thirty (30) days prior to the date on which the resignation is to be effective.

*“Removal from Office”*

5.17 Notwithstanding any other provision of this Law, any member of the Board, elected or ex-officio, may be removed from office prior to the expiry of his or her term of office by unanimous resolution of the other elected members of the Board.

*“Vacancies”*

5.18 In the event one (1) elected member of the Board resigns, is removed or ceases to function as a member of the Board prior to the expiration of his or her term of office, the Board may by resolution direct the Electoral Officer to call a by-election to fill the vacancy.

*“By-Elections”*

5.19 In the event two (2) or more elected members of the Board resign, are removed or cease to function as members of the Board prior to the expiration of their term of office, the Board must by resolution direct the Electoral Officer to call a by-election to fill the vacancies

*“Notice of Vacancy”*

5.20 In the event of any vacancy of an elected member of the Board, a notice of the vacancy, and the reasons for the vacancy, will be made available to the Kanien’kehaka of Kahnawá:ke.

*“Powers and Duties of Elected Members”*

5.21 In accordance with this Law the Board has full power and authority to govern the affairs of Tewatohnni’saktha in a manner that is consistent with this Law and in the best interests of Kanien’kehaka of Kahnawá:ke.

*“Kanien’kehaka values”*

5.22 The Board, through its members, will promote the integration of Kanien’kehaka shared values, culture, language and traditions in their actions and dealings.

*“Quality services”*

5.23 The Board represents the needs of its clientele. It is the responsibility of Tewatohnni’saktha and its Board to determine the needs and provide for services to the Kanien’kehaka of Kahnawá:ke. The Board will use its best efforts to ensure that Kanien’kehaka of Kahnawá:ke are receiving quality service delivery.

*“Voting rights”*

5.24 Each elected member of the Board has the right to one vote in all decisions taken and resolutions passed by the Board.

*“Selection of ex-officio members”*

5.25 The ex-officio members of the Board will be comprised of individuals to be



appointed by resolution of the appropriate body:

- a) A Chief of the Mohawk Council of Kahnawá:ke to be appointed by resolution of the Mohawk Council of Kahnawá:ke;
- b) A single representative from the Kahnawá:ke organizations and institutions that are recognized by the Mohawk Council of Kahnawá:ke: to be appointed by resolution of the organization or institution as approved by the Board of Tewatohnhi'saktha;
- c) One or more prominent and experienced individuals who have a keen interest in furthering Kahnawá:ke's economic development: to be appointed by resolution of the Board;
- d) Ex-officio members of the Board will act in an advisory capacity to the Board, including technical and business advice and act as a liaison with outside interests and persons with specialized expertise;
- e) The elected members of the Board will determine when to invite ex-officio members to meetings of the Board. Ex-officio members of the Board are only entitled to attend those meetings of the Board to which they have been invited.

*"Terms of Office"*

5.26 Ex-officio members of the Board will serve for two (2) year terms or until such time as they are replaced by the organization or institution that appointed them or the Board decides to remove them according to section 5.17.

*"Vacancy"*

5.27 In the event an ex-officio member of the Board is removed, resigns or is unable to continue performing his or her duties for any reason, the organization that appointed the member will appoint another ex-officio member within thirty (30) days of the vacancy occurring. If the ex-officio member in question was originally appointed by the Board, the Board will discuss this issue at its first opportunity and decide whether another ex-officio member is required and if so, will, by resolution, appoint another ex-officio member.

*"Notice of vacancy"*

5.28 In the event of any vacancy of an ex-officio member of the Board, a notice of the vacancy, and the reasons for the vacancy, will be made available to the Kanien'kehaka of Kahnawá:ke.

*"Rights and Duties of Ex-Officio Board Members"*

5.29 Except as provided in this Law, ex-officio members of the Board have the same rights and duties as elected members of the Board.

*"No vote"*

5.30 Ex-officio members of the Board do not have the right to vote in decisions or resolutions of the Board.

"Chairperson"	5.31	<p>The Board will, after every regularly scheduled election, select from amongst its elected members a Chairperson. The selection shall be done by consensus or by secret ballot where a consensus is not possible, and the Chairperson will exercise the following functions:</p> <ul style="list-style-type: none"> <li>a) Preside over meetings of the Board and ensure that such meetings are carried out harmoniously and in keeping with all applicable rules and procedures;</li> <li>b) Use all reasonable efforts to encourage the Board to arrive at decisions based on consensus;</li> <li>c) When it becomes clear to the Chairperson in his or her sole discretion that a consensus cannot be reached and that a decision must be made, the Chairperson will call for a vote of the elected members of the Board;</li> <li>d) In the case of a tie vote the Chairperson will have a preponderant vote.</li> </ul>
"Vice-Chairperson"	5.32	<p>The Vice-Chairperson will act as Chairperson during meetings of the Board when the Chairperson is absent or unable to act.</p>
"Officers"	5.33	<p>After every regularly scheduled election, the Board will appoint, by resolution, the Vice-Chairperson, as well as a Secretary and Treasurer or a Secretary-Treasurer from the elected members of the Board.</p>
"Conflict of Interest"	5.34	<p>No member of the Board may perform any duty, have any interest, pursue any activity or place himself in any situation that is in conflict with his duties and obligations as a member of the Board. If he or she does so, he or she will be removed from office by resolution of the Board, in accordance with this Law.</p>
"Family members"	5.35	<p>No member of the Board will participate in Board discussions or decisions that concern an immediate family member of that member of the Board.</p>
"Meetings:"	5.36	<p>The Board will meet at least once every sixty (60) days or as may be necessary.</p>
"Public meetings exceptions"	5.37	<p>Meetings or portions of meetings of the Board, at the Board's discretion, may be closed to the public.</p>
"Notice of Meetings"	5.38	<p>All members of the Board, elected and ex-officio, are entitled to receive written notice of meetings of the Board not less than five (5) days prior to the date on which the meeting is to be held. Notice of a Board meeting may be waived if all elected members of the Board agree in writing to do so.</p>
"Quorum"	5.39	<p>A simple majority of elected members of the Board actually holding office at any given time, make a quorum for the purpose of convening and conducting a</p>

meeting of the Board.

*“Simple majority”*

5.40 A simple majority of the elected members of the Board present at a duly convened meeting make a quorum for the purpose of making a decision or passing a resolution of the Board.

*“Consensus”*

5.41 The Board will whenever possible reach its decisions through consensus. In the absence of any possible consensus, as determined by the Chairperson, a vote will be held by the elected members of the Board.

*“Remuneration”*

5.42 Members of the Board may receive remuneration for services associated with their office, as determined by resolution of the Board.

*“Administration”*

5.43 The Board will employ the executive officers, support staff and will retain the professional assistance that is required to fulfill its mandate.

*“Advisory Committee”*

5.44 The Board may, if it finds it necessary to do so, create one or more advisory committees to provide information, advice or such assistance as the Board may require to perform its functions.

*“Bylaws and Rules”*

5.45 By-laws and rules for the internal management and proper functioning of Tawatohnhi’saktha will be developed and enacted by resolution of the Board, within one hundred and eighty (180) days of the enactment of this Law, and return a copy of the bylaws to the Mohawk Council of Kahnawá:ke.

*“Fiscal Year”*

5.46 The fiscal year of Tawatohnhi’saktha will commence April 1<sup>st</sup> and end March 31<sup>st</sup> of every calendar year.

*“Indemnity for Members of the Board”*

5.47 Members of the Board, elected and ex-officio, are not liable for any costs, damages or obligations that result from his or her act or omission so long as the act or omission is within the scope of his or her duty as a member of the Board and is not fraudulent or grossly negligent.

*“Insurance”*

5.48 The Board will use its best efforts to obtain insurance to indemnify members of the Board who incur liability while acting in good faith and within the scope of his or her duties. Until such time that a proper insurance is obtained, Tawatohnhi’saktha will indemnify Board members, elected and ex-officio.

*“Hold harmless”*

5.49 Tawatohnhi’saktha will indemnify the Mohawk Council of Kahnawá:ke if, while acting within its mandate, the acts of omissions of Tawatohnhi’saktha result in damages or claims being assessed against the Mohawk Council of Kahnawá:ke.

## **6. ACCOUNTABILITY**

*“Accountability”*

6.1 The Board is accountable to the Kanien’kehaka of Kahnawá:ke and the Mohawk Council of Kahnawá:ke, as provided in this Law.

*"Reporting to  
Kanien'kehaka"*

6.2 The Board will present annual information to the Kanien'kehaka of Kahnawá:ke within one hundred twenty (120) days of the end of the fiscal year. The information will consist of annual audited financial statements, reports on investments, disinvestments and the results of each transaction. Furthermore the Board will produce year-end operational and activity reports and a minimum of semi-annual reports for Community-scale economic development projects.

*"Reporting to  
Mohawk Council of  
Kahnawá:ke"*

6.3 The Mohawk Council of Kahnawá:ke will receive within one hundred twenty (120) days of the end of the fiscal year Tawatohnhí'saktha's audited financial statements.

*"Reporting  
operational and  
strategic plan"*

6.4 At each fiscal year end the Board will present to the Mohawk Council of Kahnawá:ke its operational plan and review with the Mohawk Council of Kahnawá:ke its strategic objectives.

*"Special meetings"*

6.5 The Mohawk Council of Kahnawá:ke may call a special meeting of the Board when significant deviation from the strategic and operational plan has occurred.

*"Inquiry and report"*

6.6 The Mohawk Council of Kahnawá:ke will report its findings and make recommendations to the Board whenever it deems proper to do so.

*"Supervision of  
Tawatohnhí'saktha"*

6.7 Mohawk Council of Kahnawá:ke has the responsibility to monitor the performance of Tawatohnhí'saktha and when:

- a) The performance of Tawatohnhí'saktha is inferior to planned or stated objectives, the Mohawk Council of Kahnawá:ke will ensure that the appropriate corrective measures are taken by Tawatohnhí'saktha;
- b) When the activities of Tawatohnhí'saktha deviate from this Law or the by-Laws of Tawatohnhí'saktha, or for any other serious reason, the Mohawk Council of Kahnawá:ke may place Tawatohnhí'saktha under Trusteeship.

6.8 The following matters are hereby deemed to require a Mohawk Council of Kahnawá:ke resolution to be effective:

*"Financial  
Accountability"*

- a) Policies and arrangements with respect to the borrowing of money, obtaining of advances, giving of financial assistance, giving of security or any other matter that results in a financial impact on Tawatohnhí'saktha where the amount in question is greater than one million (\$1,000,000.00) dollars.
- b) The initiation of any litigation that involves a claim for damages in the amount of one hundred thousand (\$100,000.00) dollars or more;
- c) The acquisition of any asset having a capital cost greater than one million (\$1,000,000.00) dollars;

- d) The sale of property, asset or undertaking with a value greater than one million (\$1,000,000.00) dollars, and
- e) An application to any funding agency requiring the consent, intervention or support of the Mohawk Council of Kahnawá:ke.

**7. REGULATIONS**

*“Regulations”*

7.1 The Board will enact such regulations as are necessary for it to fulfill its mandate, including:

- a) A code of ethics and guidelines for conflict of interest for members of the Board;

Any other regulation that is necessary for the Board to fulfill its mandate and to apply this Law.

**8. RESTRUCTURING OF EXISTING SERVICE ORGANIZATION**

*“Review and Restructuring of Existing Services Organizations”*

8.1 In addition to the other powers, functions and responsibilities set out in this Law, Tawatohnhi’saktha will assume the responsibility for the Tawatohnhi’saktha Business Loan Fund Inc.

**9. TRANSITIONAL MEASURES**

*“Transitional Measures”*

9.1 Following the enactment of this Law, the Mohawk Council of Kahnawá:ke will transfer to Tawatohnhi’saktha its responsibilities for and involvement in the service organization referred to in section 8.1 and will transfer all funds, property, assets, liabilities and personnel directly associated with this service organization to Tawatohnhi’saktha.

*“Mohawk Council of Kahnawá:ke support”*

9.2 The Mohawk Council of Kahnawá:ke will provide support and resources for Tawatohnhi’saktha to fulfill its mandate, until such time as Tawatohnhi’saktha has attained self -sufficiency. Both parties will negotiate in good faith in order to arrive at an agreement to allow for the fulfillment of the Tawatohnhi’saktha mandate, and for the management of the resources by Tawatohnhi’saktha.

*“Seek out funds”*

9.3 Tawatohnhi’saktha has authority to seek out and receive economic development related funds from governmental departments and agencies outside of Kahnawá:ke.

*"Net Revenues"*

## **10. NET REVENUES**

10.1 On an annual basis, Tewaohnni'saktha will transfer its net profits to Mohawk Council of Kahnawá:ke accounts. Net profits are defined as gross revenues of the community-scale economic development projects, owned and operated by the Tewaohnni'saktha, after deducting the amount required to pay reasonable and necessary expenses of Tewaohnni'saktha and the community-scale economic development projects and after deducting the amount agreed upon by the Mohawk Council of Kahnawá:ke and Tewaohnni'saktha required to:

- a) Maintain an adequate cash reserve;
- b) Meet any reserve or other financing requirements of any applicable credit agreements and contractual undertakings of Tewaohnni'saktha, and
- c) Maintain a reasonable reserve of accumulated investment revenue to re-invest in other suitable economic development projects.

## **11. GENERAL**

*"Severability"*

11.1 If any part of this Law is found by a court of competent jurisdiction to be invalid, it may be severed and will not invalidate the Law in its entirety.

*"Enactment"*

11.2 In accordance with the will of the Kanien'kehaka of Kahnawá:ke, this Law will be deemed to have been enacted on the date it is affirmed by resolution of the Mohawk Council of Kahnawá:ke.

*"Coming into Force"*

11.3 This Law comes into force and effect on the date fixed by resolution of the Mohawk Council of Kahnawá:ke. This Law will be made public by being published in Kahnawá:ke print media.

*"Amendments"*

11.4 Amendments to this Law will not have effect until ratified by resolution of the Mohawk Council of Kahnawá:ke.

## **12. PORTFOLIO CHIEFS RESPONSIBLE FOR LAW**

*"Portfolio Chief Responsible for Law"*

12.1 The Economic Development Portfolio Chief(s) are responsible for this Law

## **13. HISTORY**

*"Mandatory review date"*

[Enacted by MCR # 29/1999-2000 on 10 Onerahtohkó:wa/May, 1999]  
[Amended by MCR #55/2003-2004 on 12 Enniska/February, 2003]

[**Repealed** and replaced by MCR #6/2005-2006 on 06 Ohiarí:ha/June, 2005]

**Current Law:** *Kahnawá:ke Tawatohnhi'saktha Economic Development Commission Law* **K.R.L. c. T-1]**

Mandatory Review Date: 06 Ohiarí:ha/June, **2009**