



Mashpee Wampanoag Tribe

TRIBAL COUNCIL RESOLUTION 2021-RES-003

RESOLUTION RATIFYING TRIBAL COUNCIL VOTE TO EXPEL CEDRIC CROMWELL AS TRIBAL CHAIRMAN PURSUANT TO ARTICLE VIII OF THE CONSTITUTION

- WHEREAS, This Resolution is being adopted at a meeting (this "Meeting") of the Tribal Council (the "Tribal Council"), the governing body of the Mashpee Wampanoag Tribe (the "Tribe") referred to in the Tribe's Constitution and By-Laws (the "Constitution") that is open to all tribal members, spouses and invited guests of the Tribal Council in accordance with Section 4(b) of 2009-ORD-007 (the "Meeting Ordinance") at which members of the Tribe have had a reasonable opportunity to be heard in accordance with Article IX, § 1(c) of the Constitution regarding the matters addressed in this resolution (this "Resolution"); and
- WHEREAS, The Meeting Ordinance was adopted pursuant to Article IX, § 1(a) of the Constitution to establish the time and place at which meetings are held, and pursuant to Article IX, § 3(c)(1) of the Constitution to designate no fewer than two places where posting of notices, ordinances and other documents are to be made; and
- WHEREAS, This Meeting has been convened pursuant to Article IX, § 1(a) of the Constitution a quorum for this Meeting is nine (9) members of the Tribal Council; and
- WHEREAS, This meeting is being held through means of electronic communication as permitted by Section 8(c)(3) of 2009-ORD-003, entitled "Regulating Adoption, Amendment or Repeal of Ordinances and Resolutions", which provides that for emergency and special meetings the Tribal Council may consider and vote on a proposed resolution during a meeting conducted by phone and called in accordance with the requirements of special or emergency meetings in such Ordinance; and
- WHEREAS, In accordance with the Constitution, the Vice Chairperson of the Tribe is serving as the presiding officer of this Meeting ("Presiding Officer"); and
- WHEREAS, Pursuant to Article IX, § 1(e)(1) of the Constitution a quorum for this Meeting is nine (9) members of the Tribal Council; and



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- WHEREAS, Pursuant to Article VI, § 2 of the Constitution, the Tribal Council is empowered to exercise certain powers, including the power to promote and protect the economic security and general welfare of the Tribe and its members, and the power to negotiate and enter into contracts with other governments and with private persons and corporate entities; and
- WHEREAS, On November 13, 2020, Tribal Council received notice that Cedric Cromwell, Tribal Council Chairman, was indicted on federal charges in the United States District Court, District of Massachusetts filed on November 12, 2020 for the violations of federal law attached hereto as Exhibit A (the “Indictment”); and
- WHEREAS, On November 13, 2020, the Presiding Officer and those members of the Council in attendance of an emergency meeting determined that removal of Cedric Cromwell as Chairman and Signatory was critical and necessary for the preservation or protection of the immediate health, peace, safety, or property of the Tribe within the meaning of 2009-ORD-003 (the “Removal Vote”); and
- WHEREAS, On November 19, 2020, the Presiding Officer and those members of the Council in attendance of the meeting determined that service Cedric Cromwell of a Notice pursuant to Article VIII, Section 2(B) of the Constitution of a meeting scheduled on December 2, 2020 from 5:30-8:30 PM for the grounds of malfeasance noted therein was critical and necessary for the preservation or protection of the immediate health, peace, safety, or property of the Tribe within the meaning of 2009-ORD-003 (the “Article VIII Notice”); and
- WHEREAS, On November 21, 2020, pursuant to Article VIII, Section 2(B), at least ten (10) days prior to the December 2, 2020 meeting at which expulsion was to be considered, the Article VIII Notice was hand-delivered to Cedric Cromwell with a copy provided to his legal counsel; and
- WHEREAS, On December 2, 2020, by and through his legal counsel, Mr. Cromwell advised the Tribe that he would not appear at the meeting and requested that email correspondence between his attorney Tim Flaherty and Tribal Attorney be entered into the record; and
- WHEREAS, On December 2, 2020, pursuant to Article VIII, § 2(b) of the Constitution, the Tribal Council commenced the meeting for the expulsion of Cedric Cromwell as Tribal Council Chairman of the Mashpee Wampanoag Tribe for the grounds of malfeasance (the “Article VIII Meeting”); and



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- WHEREAS, At the Article VIII Meeting, Mr. Cromwell was given an opportunity to be heard and confront any and all adverse witnesses on the matter but did not appear at the meeting;
- WHEREAS, At the Article VIII Meeting, pursuant to Mr. Cromwell's request, the email correspondence from his attorney was read into the record of the proceedings; and
- WHEREAS, At the Article VIII Meeting, pursuant to Article VIII, Section 2(B) of the Constitution, the Tribal Council considered the grounds for expulsion of Cedric Cromwell as Tribal Council Chairman; and
- WHEREAS, At the Article VIII Meeting, Tribal Council considered the grounds of malfeasance, pursuant to Article I of the Constitution, for the "wrongful act which the actor has no legal right to do, or any wrongful conduct which affects, interrupts, or interferes with performance of official duty, or an act for which there is no authority or warrant of law or which a person ought not to do at all, or the unjust performance of some act, which party performing it has no right, or has contracted not to do; and
- WHEREAS, At the Article VIII Meeting, Tribal Council determined that grounds for removal for malfeasance existed, which were stated with specificity in the minutes pursuant to Article VIII, Section 2(B); and
- WHEREAS, At the Article VIII Meeting, pursuant to Article VIII, Section 2(B), Tribal Council by the affirmative vote of seven (7) members voted to expel Cedric Cromwell from office as Tribal Council Chairman on the grounds of malfeasance for using his position and influence as Chairman and President to corruptly solicit and accept thousands of dollars for his own personal benefit (the "Article VIII Vote"); and
- WHEREAS, The Presiding Officer and those members of the Tribal Council in attendance of this Meeting wish to ratify the Article VIII Vote for the removal and expulsion of Cedric Cromwell as Tribal Council Chairman of the Mashpee Wampanoag Tribe; and
- WHEREAS, The Presiding Officer and those members of the Tribal Council in attendance of this Meeting wish to ratify the Removal Vote and the Article III Vote; and



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WHEREAS, The Tribal Council desires a declaration from the Tribal Court, pursuant to Article VII, Section 2(B) that the office of Tribal Council Chairman is deemed vacant and is to be filled pursuant to Section 4 of Article VIII of the Constitution; and

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council hereby ratifies and approves the Article VIII Vote for the removal and expulsion of Cedric Cromwell as Tribal Council Chairman of the Mashpee Wampanoag Tribe; and

BE IT FURTHER RESOLVED, that the Tribal Council hereby ratifies and approves the Removal Vote for the removal of Cedric Cromwell as Tribal Council Chairman and Signatory of the Mashpee Wampanoag Tribe; and

BE IT FINALLY RESOLVED, that the Tribal Council hereby respectfully requests that the Tribal Court issue a declaration pursuant to Article VIII, Section 2(C) of the Constitution that the seat of Tribal Council Chairman is deemed vacant and is to be filled pursuant to Section 4 of Article VIII of the Constitution.

All resolutions or parts of resolutions inconsistent with this resolution are repealed. This resolution is effective immediately and shall continue pursuant to the authority vested in the Tribal Council pursuant to Article VI, §§ 2.A. and D. of the Constitution.

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CERTIFICATION

We, the undersigned duly elected Vice Chairperson and Secretary of the Tribal Council do hereby certify that the above Resolution was duly adopted on January 11, 2021, by the Mashpee Wampanoag Tribal Council which is composed of 13 members, of whom 9 constituting a quorum, were present at the Meeting, duly called, noticed, convened, and held on January 11, 2021, and that the foregoing Resolution was duly adopted by the affirmative vote of 8 members, with 0 opposing, and with 1 not voting (it being understood that the Vice Chairperson does not vote except in the case of a tie), and that said Resolution has not been rescinded or amended in any way.

Dated this 11th day of January, 2021

A handwritten signature in black ink, appearing to read "Jessie Little Doe Baird", written over a horizontal line.

Jessie little doe Baird, Vice Chairperson and Presiding Officer
Mashpee Wampanoag Tribal Council

ATTEST:

A handwritten signature in black ink, appearing to read "Ann Marie Askew", written over a horizontal line.

Ann Marie Askew, Secretary
Mashpee Wampanoag Tribal Council