

TRIBAL COUNCIL RESOLUTION
2022-RES-037

**APPROVAL OF PURCHASE AND SALE AGREEMENT WITH
B&C PROPERTY ENTERPRISES, LLC FOR PURCHASE OF
“PLAZA DEL SOL”**

WHEREAS, the Mashpee Wampanoag Tribe (“Tribe”), is a federally recognized Indian Tribe with duly-enacted Constitution and the governing body of the Tribe is known as the Mashpee Wampanoag Tribal Council (“Tribal Council”); *and,*

WHEREAS, the Tribal Council, deems it essential under Article VI, § 2.A of the Mashpee Wampanoag Tribal Constitution (“Constitution”) to promote and protect the health, peace, morals, education, political integrity, economic security and general welfare of the Tribe and members of the Tribe; *and,*

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 January 30, 2020, the World Health Organization designated the 2019 novel Coronavirus outbreak as a Public Health Emergency of International concern; *and,*

WHEREAS, On January 31, 2020, the United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation’s healthcare community in responding to the 2019 novel Coronavirus (“COVID-19”); *and,*

WHEREAS, The worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States, the Commonwealth of Massachusetts and Tribal lands significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public; *and,*

WHEREAS, On March, 13th 2020, President Trump declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”); *and,*

WHEREAS, Congress has allocated funds to assist Tribes under the American Rescue Plan Act (“APRA”) and provide funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency and to continue to support the public health response; *and,*

WHEREAS, ARPA funds may be used by Tribes for necessary expenditures incurred due to COVID-19 public health emergency; *and,*

WHEREAS, Tribal Council deems it essential due to the public health emergency to allocate funds from the ARPA Act to address the significant adverse impacts on the Tribal community caused by COVID-19; *and,*

WHEREAS, the Tribal community has faced crushing economic and health impacts due to homelessness, unemployment and other factors caused by the COVID-19 pandemic; *and,*

WHEREAS, the Tribal community is in dire need of safe and affordable housing to serve Tribal families and elders as a result of the housing crisis caused by the COVID-19 pandemic; *and,*

WHEREAS, the Tribal Council has expressed its interest in purchasing the property located at 72 Main Street, Mashpee, MA 02649 and known as the “Plaza Del Sol” motel using eligible ARPA funds for the purposes of providing the Tribe access to critical housing (the “Property”); *and*

WHEREAS, purchase of the Property will allow the Tribe to offer the Tribal community options for transitional housing and quarantine and isolation space to protect its elder and high risk community; *and*

WHEREAS, the Tribe has negotiated a Purchase and Sale Agreement with B&C Property Enterprises, LLC for the purchase of the Property which sets out the purchase price and other relevant terms for the conveyance of the Property (the Purchase and Sale Agreement”); *and*

WHEREAS, the Tribal Council desires to approve the Purchase and Sale Agreement in substantively the same terms as attached hereto as Exhibit A; *and,*

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council hereby approves the Purchase and Sale Agreement in connection with the purchase of the Property in substantively the same terms as attached hereto as Exhibit A.

BE IT FINALLY RESOLVED, that the Tribal Council hereby grants to the Tribal Chairman, or in his absence or unavailability, other Officer of the Tribal Council, the requisite authority and power for and on behalf of the Tribe to execute the Purchase and Sale Agreement in connection with the purchase of the Property in substantively the same terms as attached hereto as Exhibit A and take such further action necessary to effect the purposes of this Resolution.

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.

CERTIFICATION


We, the undersigned duly elected Chairman and Secretary of the Tribal Council do hereby certify that the above Resolution was duly adopted on **July 6, 2022**, by the Mashpee Wampanoag Tribal Council which is composed of **13** members, of whom **10** constituting a quorum, were present at a regular meeting duly called, noticed, convened, and held on July 6, 2022 , and that the foregoing Resolution was duly adopted by the affirmative vote of **8** members, with **0** opposing, and with **1** not voting and that said Resolution has not been rescinded or amended in any way.

Dated this **6** day of July, 2022.



Brian Weeden, Chairman
Mashpee Wampanoag Tribal Council

ATTEST:



Cassie Jackson, Secretary
Mashpee Wampanoag Tribal Council.

EXHIBIT A

Purchase and Sale Agreement