



**Mashpee Wampanoag Tribe**  
483 Great Neck Rd So. Mashpee, MA 02649  
Phone (508) 477-0208 \* Fax (508) 477-1218

## **TRIBAL COUNCIL RESOLUTION 2022-RES-066**

### **RATIFICATION OF APPROVAL OF VOLUNTARY COMPLIANCE AGREEMENT FY 2020 AUDIT**

**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,** the Tribal Council received a request from the U.S. Department of Housing and Urban Development, Eastern/Woodlands Office of Native American Programs (ONAP), to enter a Voluntary Compliance Agreement in connection with the Tribe’s completion of its audit for the 2020 calendar year (the “ONAP Agreement”) attached hereto as Exhibit A; and

**WHEREAS,** the ONAP Agreement entered into by the parties allows the Tribe to resolve its noncompliance with HUD requirements and sets forth timeframes that must be met to avoid enforcement remedies by HUD; and

**WHEREAS,** the Tribal Council desires to affirm, confirm and ratify the approval and authority to execute the ONAP Agreement to ensure the Tribe remains in compliance with HUD requirements.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Council hereby affirms, confirms and ratifies the approval and authority to execute the ONAP Agreement to ensure the Tribe remains in compliance with HUD requirements.

**BE IT FINALLY RESOLVED,** that the Tribal Council hereby affirms, confirms and ratifies its authorization for the Tribal Chairman, or in his absence, other Tribal Council Officer, the requisite authority and power for an on behalf of the Tribe to ensure compliance with the ONAP Agreement.

Effective immediately and until revoked or modified by the Tribal Council, pursuant to the authority vested in the Tribal Council pursuant to Article VI, Sections 2.A. and D. of the Constitution of the Mashpee Wampanoag Tribe.

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 Chairman and Secretary of the Tribal Council do hereby certify that the above Resolution was duly adopted on November 21, 2022, by the Mashpee Wampanoag Tribal Council which is composed of 13 members, of whom 9 constituting a quorum, were present at a Special meeting duly called, noticed, convened, and held on November 21, 2022 , and that the foregoing Resolution was duly adopted by the affirmative vote of 8 members, with 0 opposing, and with 0 not voting and that said Resolution has not been rescinded or amended in any way.

Dated this 21<sup>st</sup> day of November, 2022.



Brian Weeden, Chairman  
Mashpee Wampanoag Tribal Council

ATTEST:



Cassie Jackson, Secretary  
Mashpee Wampanoag Tribal Council

**EXHIBIT A**  
**VOLUNTARY COMPLIANCE AGREEMENT**

## **Voluntary Compliance Agreement**

Mashpee Wampanoag Tribe  
483 Great Neck Road, South  
Mashpee, MA 02649

This Voluntary Compliance Agreement (VCA) is entered into by and between Mashpee Wampanoag Tribe (MWT) and the United States Department of Housing and Urban Development (HUD), acting by and through the Eastern/Woodlands Office of Native American Programs (E/WONAP) and becomes effective on the date the E/WONAP Administrator executes the VCA.

**WHEREAS**, since 2007, MWT has been an annual recipient of Indian Housing Block Grant (IHBG) funds, as authorized under the Native American Housing Assistance and Self-Determination Act (NAHASDA); and during this time MWT received \$12,640,863.00 in IHBG funds, which are intended to assist MWT in providing affordable, safe, and healthy housing for its resident members; and

**WHEREAS**, the regulations at 2 CFR Part 200, Subpart F, and 24 CFR Section 1000.544 require that any non-Federal entity that expends \$750,000 or more in Federal funds in a fiscal year must submit a financial audit to the Federal Audit Clearinghouse (FAC) within thirty (30) days after receipt of the auditor's report or nine (9) months after the end of the audit period, whichever is earlier, and that it comply with 2 CFR Part 200, Subpart F; and

**WHEREAS**, MWT has not submitted an audit for Fiscal Year Ended (FYE) December 31, 2020, to the FAC as required by 2 CFR Part 200, Subpart F, and 24 CFR Section 1000.544; and

**WHEREAS**, MWT admits that it was required to submit a financial audit of its IHBG program activities for FYE December 31, 2020; and

**WHEREAS**, pursuant to 24 CFR Section 1000.530(a)(1), on April 29, 2022, E/WONAP issued a Letter of Warning (LOW) to MWT for noncompliance with the audit submission requirements, which warned MWT that if it did not submit the audit(s) within fifteen (15) days of receipt of the letter, HUD would consider taking the necessary actions to enforce the program requirements; and

**WHEREAS**, the MWT's audit for FYE December 31, 2021, cannot be conducted until the audit for FYE December 31, 2020, is completed; and

**WHEREAS**, MWT has taken positive steps since the LOW's issuance toward implementing the corrective actions necessary to resolve the delinquency; and

**WHEREAS**, the audit for December 31, 2020, remains delinquent; and

**WHEREAS**, on July 5, 2022, MWT and E/WONAP discussed the specific actions that MWT would implement to correct the performance deficiency described above and agreed to enter into a VCA.

**NOW THEREFORE**, in consideration of the mutual promises contained herein, MWT and HUD agree as follows:

## Voluntary Compliance Agreement

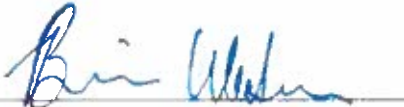
1. **Non-pursuit of Enforcement Actions:** Although E/WONAP cannot extend the due dates for submission of the audit to the FAC and has no authority to limit any action initiated by other agencies for the delinquent audit, it shall not initiate enforcement actions against MWT's IHBG program for the delinquency of the audit if MWT remains in compliance with this VCA. However, nothing in this VCA prohibits HUD from pursuing actions for any other violations of IHBG requirements that are outside the scope of this VCA.
2. **Continued Review of LOCCS Payment Requests:** E/WONAP will continue to review all payment requests through LOCCS before disbursements of additional funds. For each intended draw-down of funds, MWT will send to E/WONAP a LOCCS Payment Voucher, with detailed supporting documentation.
3. **Initial and Monthly Audit Progress Reports:** MWT will provide E/WONAP with a written report on all actions MWT has taken since the date of this Agreement to deliver the subject audit. The written report shall:
  - initially be provided no later than fifteen (15) days after receipt of this letter and then at the end of each thirty (30) day period after submission of the initial report until the audit is submitted to the FAC;
  - specify the status of the completion and submission of the audit to the FAC;
  - specify what actions MWT has taken during the reporting period to complete and submit the subject audit to the FAC and provide evidence of such actions,
  - specify what steps must be taken before the audit can be completed and submitted to the FAC,
  - specify the current conditions or events, if any, that are causing further delay in the completion and submission of the audit to the FAC.
4. **Due Dates:** In addition to initial and monthly progress reports, MWT will complete the following actions to correct the performance deficiencies:
  - Submit to E/WONAP documentation when the draft FYE December 31, 2020, audit has been received, no later than October 31, 2022.
  - Submit to E/WONAP confirmation that the FAC has accepted the audit for FYE December 31, 2020, no later than November 30, 2022.
5. **Failure to Meet the Terms and HUD Discretion:** Failure to meet any of the terms in this VCA, may result in HUD initiating enforcement actions, as prescribed by the program regulations and 2 CFR Part 200. This requirement will apply to current and

## Voluntary Compliance Agreement

future grants and will continue until the delinquent audit is received and accepted by the FAC.

- 6. Discontinuance of Enforcement:** If E/WONAP determines that MWT has successfully met the terms of this VCA, E/WONAP will rescind the LOW, dated April 29, 2022, and not take further action on the performance deficiency described above.

**For the Mashpee Wampanoag Tribe:**

  
\_\_\_\_\_  
Brian Weeden, Chairman

10/19/22  
Date

**For the Eastern Woodlands Office of Native American Programs:**

\_\_\_\_\_  
Mark Butterfield, Administrator

\_\_\_\_\_  
Date