



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

2023-RES-009

**APPROVAL OF FILLING OF TREASURER VACANCY IN
ACCORDANCE WITH ARTICLE VIII, SECTION 4(A)(1) –
APPOINTMENT OF CHARLES FOSTER**

- WHEREAS,** the Mashpee Wampanoag Tribe (“Tribe”) is a federally-recognized Indian tribe with a duly-enacted Constitution; and
- WHEREAS,** the Mashpee Wampanoag Tribal Council (“Tribal Council”), the governing body of the Tribe, deems it essential under Article VI, § 2.A. of the Mashpee Wampanoag Tribal Constitution (“Constitution”) to promote and protect the political integrity, economic security and general welfare of the Tribe and members of the Tribe; and
- WHEREAS,** Article VI, § 2.C to establish procedures and ordinances for the conduct of all tribal government business operations, except where elsewhere precluded in the Constitution; and
- WHEREAS,** Article VIII, Section 2(b) of the Constitution authorizes the Expulsion of Tribal Council Members for malfeasance or nonfeasance by the affirmative vote of 7 Tribal Council members; and
- WHEREAS,** Article VIII, Section 2(c) of the Constitution provides that “in the event the decision of the Tribal Council to expel the member of the Tribal Council in question is upheld by the Tribal Judiciary, the office shall be deemed vacant and shall be filled in accordance with Section 4 of this Article”; and
- WHEREAS,** on July 6, 2022, after a duly noticed and conducted hearing, the Tribal Council voted to expel Marie Stone as Tribal Council Treasurer on the grounds of malfeasance and nonfeasance in accordance with Article VIII, Section 2(b) of the Constitution and as set forth in the meeting notice; and

WHEREAS, thereafter, Treasurer Stone filed a petition, *Marie Stone v. Brian Weeden, Chairman, Carlton Hendricks, Vice-Chairman and Cassie Jackson, Secretary (Docket No. CV-22-006)*, pursuant to Article VIII, Section 2(b) of the Constitution in the Mashpee Wampanoag District Court requesting, among other causes of action, review of the Tribal Council decision to expel for malfeasance and nonfeasance; and

WHEREAS, on December 30, 2022, District Court Judge Jan Morris issued an “Order on Administrative Review of Tribal Council Expulsion of Treasurer” that upheld and found the Tribal Council action on July 6, 2022 to expel Marie Stone as Tribal Treasurer to be lawful; and

WHEREAS, the Tribal Council acknowledges that the Tribal Court has upheld its decision to expel Marie Stone as Tribal Treasurer and that the office of Tribal Treasurer is deemed vacant pursuant to Article VIII, Section 2(c) and now must be filled in accordance with Section 4 of Article VIII; and

WHEREAS, pursuant to Article VIII, Section(4)(a)(1), the Tribal Council acknowledges the requirement to fill the vacancy in the office of the Treasurer promptly and “appoint within 30 days of such vacancy the candidate that received the highest number of votes” next to Marie Stone as Tribal Council Treasurer;

WHEREAS, the Tribal Council desires to appoint the next candidate, Charles Foster, to fill the vacancy as Tribal Council Treasurer effective January 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, that, in accordance with Article VIII, Section 4(a)(1), the Tribal Council hereby approves and authorizes the appointment of Charles Foster to fill the vacancy as Tribal Council Treasurer, with all duties, powers and obligations set forth under the Constitution, effective January 30, 2023.

BE IT FINALLY RESOLVED, that the Tribal Council hereby authorizes the Tribal Council Chairman, or in his absence, other Tribal Council Officer, the requisite authority and power for an on behalf of the Tribe to take such further action necessary to implement this appointment and 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 Vice Chairperson and Secretary of the Mashpee Wampanoag Tribal Council, do hereby certify that the Tribal Council is composed of 13 members of whom 9, constituting a quorum, were present at a regular meeting thereof, duly called, noticed, convened, and held on the 11th day of January, 2023 and that the foregoing resolution was duly adopted by the affirmative vote of 7 members, with 1 opposing, and with 0 not voting.

DATED this 11th day of January, 2023.



Carlton Hendricks, Jr.
Vice Chairman and Presiding Officer
Mashpee Wampanoag Tribal Council

ATTEST:



Cassie Jackson, Secretary
Mashpee Wampanoag Tribal Council