



Mashpee Wampanoag Tribe
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2023-RES-017

(Tabled 2/8/2023)

APPROVAL AND AUTHORIZATION TO CONDEMN BUILDING LOCATED AT MAUSHOP FARM

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. of the Constitution expressly authorizes the Tribal Council to establish procedures and ordinances for the conduct of all Tribal government business; and,

WHEREAS, Article VI, § 2.L. of the Constitution provides that the Tribal Council is empowered to establish and enforce all ordinances governing Tribal members; and,

WHEREAS, the Tribal Council deemed it necessary to enact building, life safety and fire codes for all buildings on Tribal Lands for the safety of the Tribe, its Tribal members, Tribal employees, and members of the public present on the Tribal lands; and,

WHEREAS, the Tribal Council previously duly enacted 2016-ORD-001, entitled “Mashpee Wampanoag Tribal Building and Safety Code Ordinance” with the purpose of enacting building codes, life safety and fire codes, and all other related codes to apply to all buildings located on lands within the Tribe’s jurisdiction and control (the “Tribal Building Code”); and,

WHEREAS, pursuant to the Tribal Building Code, the Tribal Council may serve as Building Official during terms when the Building Official is not occupied; and

WHEREAS, the Tribe’s reservation includes lands located generally at 213 Sampson Mills Road in Mashpee, Massachusetts known as the “Maushop Farm” and held in trust for the benefit of the Tribe; and,

WHEREAS, on the Maushop Farm, the existing structure is in severe disrepair and poses a significant risk to public health and safety in the current state (the “Maushop Building”); and,

WHEREAS, the Maushop Building has interior and exterior structures that are damaged and crumbling from years of use and disrepair; damaged bathroom and plumbing facilities; severe roof issues; electrical systems, framing, windows and doors that are beyond simple repair and, as determined by the Tribe’s Building Inspector/Consultant, must be demolished as soon as possible; and,

WHEREAS, the Tribal Council acknowledges that the Maushop Building is unsafe and potentially hazardous and thus requires condemnation and prompt demolition in accordance with the Tribal Building Code for the safety of the Tribe, its citizens and the surrounding public; and,

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council hereby approves and authorizes the condemnation and prompt demolition in accordance with the Tribal Building Code of the Maushop Building.

BE IT FINALLY RESOLVED, that the Tribal Council hereby grants to the Tribal Chairman, or in his absence, other Officer of the Tribal Council, the requisite authority and power for an on behalf of the Tribe to take such further action necessary to effect the purposes of this Resolution.

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 Chairperson and Secretary of the Mashpee Wampanoag Tribal Council, do hereby certify that the Tribal Council is composed of 13 members of whom ____, constituting a quorum, were present at a regular Meeting thereof, duly called, noticed, convened, and held on the ____ day of February, 2023 and that the foregoing resolution was duly adopted by the affirmative vote of ____ members, with ____ opposing, and with ____ not voting.

DATED this ____ day of February, 2023

Brian Weeden, Chairman
Mashpee Wampanoag Tribal Council

ATTEST:

Cassie Jackson, Secretary
Mashpee Wampanoag Tribal Council