



**Mashpee Wampanoag Tribe**  
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## **2023-RES-032**

### **APPROVAL OF RESTATED VOTING PROCEDURE AND DUTIES FOR TRIBAL COUNCILORS IN ACCORDANCE WITH 2017-ORD-007, AMENDED AND RESTATED MEETINGS OF THE TRIBAL COUNCIL AND 2022-RES-036, RATIFICATION OF AMENDED AND RESTATED MASHPEE WAMPANOAG TRIBAL GOVERNMENT CODE OF CONDUCT**

**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,** 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”);

**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;

**WHEREAS,** the Tribal Council desires to acknowledge and restate, in pertinent part, the Voting Procedures set forth in Section 4(n) of 2017-ORD-007, *Amended and Restated Meetings of the Tribal Council*, (the “Meetings Ordinance”) as it relates to conflict of interests that may arise for Tribal employees that are duly elected and serve as Tribal Councilors;

**WHEREAS,** the Tribal Council acknowledges that Section 4(n)(2) of the Meetings Ordinance provides that:

“Any Council member who is disqualified to vote on a particular matter by reason of a conflict of interest shall publicly state, or have the Chairperson state, the nature of such disqualification in open session. When no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Council member affected, be decided by the other Council members by motion.”

**WHEREAS,** the Tribal Council acknowledges that Section 4(n)(2) of the Meetings Ordinance further provides that:

“A Council member who is disqualified by reason of a conflict of on that issue shall not attempt to influence other Council members’ votes on that issue and may request and be given permission of the Chairperson to leave Council Chambers. A Council member stating such disqualification shall be counted as part of the quorum and shall be required to abstain for the purpose of determining the outcome of any vote on such matter.”

**WHEREAS,** the Tribal Council acknowledges that the Meetings Ordinance defines a conflict of interest as follows:

“For purposes of this Section, a Council member shall have a conflict of interest when a decision of the Council will have a direct effect solely on:

- (A) The Council member’s natural mother, father, brother, sister, children, the Council member’s spouse, or live-in partner.
- (B) Any business in which the Council member or his or her spouse or live-in partner has a direct or indirect investment.
- (C) Any real property in which the Council member or his or her spouse or live-in partner owns an interest.
- (D) Any person who has been a source of income to the Council member of \$250.00 or more within the 12 months immediately preceding consideration of that issue that will result in a decision.
- (E) Any other interest brought to the Council’s attention which the Council by majority vote determines is a conflict of interest.

**WHEREAS,** the Tribal Council acknowledges that Section 5 of 2022-RES-036, *Ratification of Amended and Restated Mashpee Wampanoag Tribal government Code of Conduct*, (the “Code of Conduct”), in pertinent part, sets forth the legal duties of each Tribal Councilor that includes a “Duty of Disclosure”, which “means the obligation to disclose all potential and actual conflicts of interest in accordance with Tribal law”;

**WHEREAS,** the Tribal Council acknowledges that the Code of Conduct addresses Conflicts of Interest, in accordance with applicable federal and Tribal law, and requires that Tribal Councilors “maintain high standards of work performance and professional conduct including, but not limited to, avoidance of any conflict of interest and self-dealing and disclosure of any existing or potential conflict of interest”;

**WHEREAS,** the Tribal Council acknowledges that the Code of Conduct provides that Tribal Councilors:

“[S]hall avoid any action, whether or not specifically provided by the Code of Conduct set herein, which could result in, or create the appearance of:

- (a) Using public office for private gain.
- (b) Giving preferential treatment to any special interest organization or person.
- (c) Impeding governmental efficiency and economy.
- (d) Losing or compromising complete independence or impartiality of actions.
- (e) Making a government decision outside official channels.
- (f) Adversely affecting the confidence of the Tribal members in the integrity of the government of the Mashpee Wampanoag Tribe;

**WHEREAS,** the Tribal Council acknowledges that in accordance with the Code of Conduct it is a premise that all Tribal Councilors who have interests which might conflict with their duties should divulge those interests;

**WHEREAS,** the Tribal Council acknowledges that in accordance with the Code of Conduct when a Tribal Councilor is required to take official action on a matter in which he/she has a personal economic interest, they should first consider eliminating that interest and, if not feasible, comply with applicable Tribal law including, but not limited to, the Meetings Ordinance and Code of Conduct, by disclosing the interest or potential conflict and/or seeking a conflict waiver, when required;

**WHEREAS,** the Tribal Council acknowledges that real or apparent conflicts of interest may arise when Tribal employees are duly elected and serve as Tribal Councilors and desires to restate the voting procedures and duties that apply to Tribal Councilors pursuant to the Meetings Ordinance and Code of Conduct.

**NOW, THEREFORE, BE IT RESOLVED,** that the Tribal Council hereby restates the voting procedure and duties for Tribal Councilors in accordance with 2017-ORD-007 and 2022-RES-036, in pertinent part, as it relates to conflict of interests that may arise for Tribal employees that are duly elected and serve as Tribal Councilors;

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.

*(Remainder of Page Intentionally Blank)*

**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 10, constituting a quorum, were present at a regular meeting thereof, duly called, noticed, convened, and held on the 12<sup>th</sup> day of April, 2023 and that the foregoing resolution was duly adopted by the affirmative vote of 9 members, with 0 opposing, and with 0 not voting.

DATED this 12<sup>th</sup> day of March, 2023.



Brian Weeden, Chairman  
Mashpee Wampanoag Tribal Council

ATTEST:



[insert name] Acting Recording Secretary  
Mashpee Wampanoag Tribal Council