



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

2023-RES-058

**APPROVAL ESTABLISHING THE MASHPEE WAMPANOAG TRIBE OLD
INDIAN CEMETERY COMMISSION**

WHEREAS, the Mashpee Wampanoag Tribe (the “Tribe”) is a federally-recognized Indian Tribe with a duly-enacted Constitution; and

WHEREAS, the Mashpee Wampanoag Tribal Council (the “Tribal Council”), the governing body of the Tribe, deems it essential, and is empowered, under Article VI, § 2.A. of the Mashpee Wampanoag Tribal Constitution to promote and protect the health and general welfare of the members of the Tribe; and

WHEREAS, Article VI, § 2.C of the Constitution empowers the Tribal Council to establish procedures for the conduct of all Tribal government business operations; and

WHEREAS, the Old Indian Cemetery was founded in the late eighteenth century and is of historic and spiritual significance to Mashpee Wampanoag members; and

WHEREAS, the Cemetery is the final resting place of our loved ones and Tribal ancestors,

WHEREAS, the Tribal Council deems it essential to the health, morals, education, economic welfare, and efficient governance of the Tribe and its members to recognize and formally establish the Mashpee Wampanoag Tribe Cemetery Commission to oversee all activities to protect, restore, or manage the Tribes Cemetery; and

WHEREAS, the Tribal Council considers the Commissions primary function will be to develop the Mashpee Wampanoag Tribe Cemetery policies, procedures, rules and regulations; and

WHEREAS, the Tribal Council desires to establish a Cemetery Commission to preserve and maintain the Mashpee Wampanoag Cemetery, located within the Tribe's Reservation lands; and

BE IT RESOLVED, the Tribal Council hereby approves the establishment of the Mashpee Wampanoag Tribe Cemetery Commission.

BE IT FURTHER RESOLVED, the Commission shall meet at least once a month or as needed to fulfill its purpose. A quorum for the transaction of business at any meeting of the Commission shall be the majority of its nine (9) members comprised of the following: (1) Enrollment Personnel, (1) Member of the Elders Judiciary Committee, (1) Public Works Personnel, (1) Tribal Historic Preservation Office Personnel, (1) Member of the Old Indian Meeting House Committee and (4) members at large. Members shall serve a two-year term.

BE IT FURTHER RESOLVED, the Commission will appoint officers from within the Commission to serve as Chairperson and Secretary by an affirmative vote of a majority of all Commissioners present at a duly called meeting. The Chairperson shall serve as the official representative of the Commission, preside over the meetings, set the agenda of the meetings, provide monthly reports to the Tribal Council, and perform such other duties that the Tribal Council may require. The Secretary shall keep full and accurate records of all meetings and actions taken by the Commission. In the absence of the Chairperson, the Secretary will assume the roles and responsibilities of the Chairperson. Officers shall serve a one-year term. Officer appointments will be scheduled no later than the Commissioners meeting prior to the expiration of the officers terms; and

BE IT FURTHER RESOLVED, the Tribal Council shall have the authority to review and request reports of the Commission's activities and decisions at any time.

BE IT FURTHER RESOLVED, the Commission, a subordinate body to the Mashpee Wampanoag Tribal Council, retains all rights of sovereign immunity of the Tribe and shall not have the authority to waive the sovereign immunity of the Tribe or any of its officers, agents, attorneys, or employees, or any one else acting at the direction of and on behalf of the Tribe unless otherwise provided by law.

BE IT FURTHER RESOLVED, the Tribal Council may remove Commissioners from his/her position for "Just Cause" upon the recommendation of three (3) or more of the regular voting members of the Commissioners board and/or a majority vote of the Tribal Council.. "Just Cause" may include, but is not limited to:

1. A conviction of drug-related criminal activity, sex offenses, or capital crimes, and/or falsification of information.
2. A dereliction of duty by missing more than three (3) or more consecutive meetings without being excused by the Chairperson.
3. Disregard of policies or procedures.
4. Public misconduct that reflects poorly upon the Tribe and its members.
5. Violation of applicable Tribal law or policies.

BE IT FINALLY RESOLVED, the Chairman of the Tribal Council, or in his absence or unavailability, other Tribal Council Officer, is hereby authorized with the requisite authority and power for and on behalf of the Tribe to 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 in effect during the entire Grant period from the date below pursuant to the authority vested in the Tribal Council pursuant to Article VI, §§ 2.A. and D of the Constitution of the Mashpee Wampanoag Tribe.



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 13, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened, and held on the 24th day of May, 2023, and that the foregoing Resolution was duly adopted by the affirmative vote of 12 members, with 0 opposing, and with 0 not voting.

DATED this 24th day of May, 2023.



Brian Weeden, Chairman
Mashpee Wampanoag Tribal Council

ATTEST:



Cassie Jackson, Secretary
Mashpee Wampanoag Tribal Council