



Mashpee Wampanoag Tribe
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NOTICE
TRIBAL COUNCIL PROPOSING TO ADOPT
2017-ORD-000, AMENDED AND RESTATED MEETINGS OF
THE TRIBAL COUNCIL

POSTED: OCTOBER 11, 2017

Synopsis

Notice is hereby given pursuant to Article IX, § 3(2) of the Constitution of the Mashpee Wampanoag Tribe, that the Mashpee Wampanoag Tribal Council is proposing to adopt 2017-ORD-000, Amended and Restated Meetings of the Tribal Council (the "Ordinance").

The intended effect of this Ordinance is to amend and restate the 2009-ORD-007, Meetings of the Tribal Council. The purpose of the Ordinance is to amend 2009-ORD-007 to: (1) add new definitions; (2) revise the time of Regular Meetings held every second Wednesday of each month; (3) expand list of allowable attendees at Tribal Council meetings; (4) revise additions to meeting agenda provisions; (5) revise presiding officer provisions; (6) revise the order of business during meetings; (7) expand rules of decorum and specify sanctions for Tribal Councilors and Tribal employees that fail to abide by the rules of decorum; and (8) provide additional guidance regarding Tribal Council meeting procedures.

Any person interested in obtaining the Ordinance in its entirety may contact Ann Marie Askew, Secretary to the Mashpee Wampanoag Tribal Council at 508-477-0208, or AnnMarie.Askew@mwtribe-nsn.gov.

Written comments may also be submitted by mail to Ann Marie Askew, Secretary to the Mashpee Wampanoag Tribal Council, 483 Great Neck Rd. South, Mashpee, MA 02649 or e-mailed to AnnMarie.Askew@mwtribe-nsn.gov. All written comments must be received by **October 26, 2017**.

Description of the Ordinance

TITLE AND ENACTING CLAUSE

The title of the draft Amendment is “2017-ORD-000, Amended and Restated Meetings of the Tribal Council.” The wording of this title is consistent with 2007-ORD-001, Establishing Format of Ordinances and Resolutions (as amended).

An enacting clause gives force to the law by stating the legal authority. The enacting clause for this Amendment is “The Mashpee Wampanoag Tribal Council does ordain as follows:”

Sections 1. and 2. FINDINGS, AUTHORITY, AND PURPOSE

Section 1 describes the findings of the Tribal Council that lend authority and validity to the establishment of the Amendment.

Section 2 describes the authority pursuant to which the Ordinance is passed and the purposes of the Ordinance. The authority for the Ordinance is found in Article VI, § 2.A., Article IX § 1(a), Article IX, § 1(c), and Article IX, § 3.

Section 3. DEFINITIONS

Section 3 defines certain words used in this draft ordinance that may seem unclear or open to different interpretations. New definitions for “employee” and “unexcused absence” are proposed.

Section 4. REGULAR MEETINGS OF THE TRIBAL COUNCIL

Section 4 sets forth the requirements related to meetings of Tribal Council.

Section 4(a) requires Tribal Council to meet in open and official session on the second Wednesday of every month at 5:30 P.M. (prevailing Eastern Time) in the Tribal Council Office, or at such other dates, times or places as the Council shall determine by motion or resolution.

Section 4(b) states that Attendance at Tribal Council meetings must be open to enrolled members of the Tribe and their spouses when accompanied by their Tribal member spouse and invited guests, provided, the Council may hold executive sessions.

Section 4(c) provides the requirements for adding items to Tribal Council’s agendas.

Section 4(d) cites to the Constitution and 2009-ORD-003, Regulating Adoption, Amendment or Repeal of Ordinances and Resolutions regarding the determination of quorum requirements. Once a quorum is recognized at a Council meeting, it shall be assumed that the quorum continues unless a Councilor raises a point of order to state otherwise.

Section 4(e) states that the Chairperson shall be the Presiding Officer at all meetings of the Council. In the absence of the Chairperson, the Vice-Chairperson shall preside. This subsection also provides the requirements regarding Chairperson participation at Council meetings, signing of documents and Chairperson absences.

Section 4(f) provides the general order of business for Council meetings, which may be reordered as determined by the Presiding Officer during a Tribal Council meeting:

Section 4(g) makes clear that correspondence addressed to the Council will not become a public record nor be read aloud at a Council meeting unless directed by the Presiding Officer.

Section 4(h) provides the requirements for Council meetings minutes.

Section 4(i) – (l) provides the rules of debate at Council meetings, the rules of order, the rules of decorum for Council and Staff, and the rules of decorum for Tribal members and other individuals in the audience.

Section 4(m) – (n) describes motions and voting requirements for Council meetings.

Section 4(o) provides that a motion to reconsider any action taken by the Council may be made by any Council member except for the Presiding Officer only on the day such action was taken or at the next regular Council meeting following the meeting that such action was taken.

Section 4(p) states that it is the responsibility of each Councilor to read proposed ordinances and resolutions prior to a final vote approving an ordinance or resolution.

Section 4(q) describes that actions of Council shall be in the form of motions, resolutions or ordinances and discusses the requirements associated with each.

Section 4(r) states that duties of all committees and appointed officers shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment.

Section 4(s) provides that no person may enter the Tribal Council Office, or any place where the Council is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized Tribal law enforcement officers.

Section 4(t) states that the Tribal Council Chairperson may recess a regular meeting at any time and continue the meeting to a later time without giving further notice.

Section 5. SPECIAL MEETINGS OF THE TRIBAL COUNCIL

Section 5 provides that special meetings of the Tribal Council may be called at any time by the Chairperson or upon written request of any three members of the Tribal Council. Quorum for a special meeting of the Tribal Council shall be nine (9) members of the Tribal Council. Notice of a special meeting shall be provide to each Council member at least seventy-two (72) hours prior to the special meeting. A copy of the notice must also be posted. No

business shall be conducted at any special meeting of the Tribal Council unless the business has been stated in the notice of that meeting.

Section 6. EMERGENCY MEETINGS OF THE TRIBAL COUNCIL

Section 6 provides that emergency meetings of the Tribal Council may be called at any time by the Chairperson or upon written request of any three (3) members of the Tribal Council. The Tribal Council may call an emergency meeting with less than seventy-two (72) hours of notice if that meeting is necessary for the preservation or protection of the immediate health, peace, safety, or property of the Tribe, and notice shall be given by personal service or by registered mail or by electronic transmission that documents receipt of the notice to each Tribal Council member. A copy of the notice must also be posted. No business will be conducted at any emergency meeting of the Tribal Council unless the business has been stated in the notice of that meeting. Quorum for an emergency meeting shall be seven (7) members of Tribal Council.

Section 7. EXECUTIVE SESSION

Section 7 provides the acceptable grounds for holding a closed session of a Tribal Council meeting, which include the following: (1) Tribal enrollment or membership; (2) personnel matters; (3) health matters; (4) claim against the Tribe; (5) legal consultation and advice; (6) litigation; (7) deliberation or review of any matter heard by the Tribal Council in a quasi-judicial capacity; and (8) business proposals, property and contract negotiations. Tribal Council shall keep a record of discussions in executive session and no vote by Tribal Council shall be taken while in executive session. All persons participating in an executive session must keep its contents confidential. Tribal Councilors that violate the confidentiality of executive session subject themselves to potential disciplinary proceedings.

Section 8. POSTING PROCEDURE

Section 8 provides the following two public places where posting of Tribal ordinances and other Tribal public documents required by law to be posted shall be made: (1) the Mashpee Wampanoag Tribal Community & Government Center, and (2) the Tribe's official website.

Section 9. REPEALER

Section 9 states that all rules or parts of rules inconsistent with these rules are repealed.

Section 10. SEVERABILITY

Section 10 provides that if any portion of this Ordinance is held invalid or unconstitutional such portion shall be deemed to be a separate provision and such holding will not affect the validity of the remaining parts of this Ordinance.

Section 11. EFFECTIVE DATE

Section 11 provides that the Ordinance will take effect immediately.