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UPPER MATTAPONI TRIBE
RESOLUTION NO. 006

EMPLOYMENT CONTRACTS AUTHORIZATION ACT OF 2023

At a duly called Regular Meeting of the Council held this 23rd day of September, 2023, the following Resolution and Law were adopted.

WHEARAS; On July 22, 2023, the citizens of the Upper Mattaponi Tribe (“Tribe”) voted to adopt a new constitution (“Constitution”) to assert the Tribe’s sovereign authority as a federally-recognized Indian tribe and to reorganize the Tribe’s government to exercise its full authority in a fair and equitable manner; and,

WHEREAS; The Constitution establishes an executive branch of government comprised of the Chief, Assistant Chief, and various Departments and programs; and,

WHEREAS; The Department of Finance, the Department of Records Management, and other key Departments serve critical needs in the operation of the Tribe’s government, and employing well-qualified individuals as Directors of these Departments will help ensure the efficient and professional delivery of services; and,

WHEREAS; In order to retain well-qualified individuals to serve in these critical positions, the Tribe must offer enforceable employment contracts in order to attract experienced professionals to work for the Tribe; and,

WHEREAS; The Council has determined that it is in the best interests of the Tribe to authorize the Chief to enter into employment contracts with Directors of key Departments in the Tribe, and to authorize a limited waiver of sovereign immunity to allow for the enforcement of the employment contracts in the Tribe’s Judicial Branch of government.

NOW THEREFORE BE IT RESOLVED, that the Council hereby enacts the attached law entitled, “Employment Contracts Authorization Act of 2023”.

CERTIFICATION

The foregoing resolution was duly voted upon by the Council on September 23rd, 2023, at a Regular Meeting with a vote of 3 in favor and 1 opposed, 0 abstaining, and 2 absent, pursuant to the authority vested in the Council by the Constitution of the Tribe.



Speaker of the Council

COUNCIL - RESOLUTION NO. ____:

SPONSOR: Steven Tupponce

CO-SPONSOR(S): Joseph Adams

REPRESENTATIVES	YES	NO	ABSTAIN	ABSENT
Lou Wretchford		X		
Joseph Adams	X			
Steve Tupponce	X			
Al Tupponce				X
Lenny Adams				X
Desiree Dyer	X			

ASSISTANT CHIEF: (Authorized to break tie votes only): _____

DELIVERY OF THE RESOLUTION AND LAW TO THE CHIEF

Resolution No. 006 was presented to the Chief of the Upper Mattaponi Tribe on the 25th day of September 2023, pursuant to the Article VII, Section 5(f) of the Constitution of the Upper Mattaponi Tribe, and will become effective after signature by the Chief or veto override by the Council.



Speaker of the Council

CHIEF'S ACTION:

APPROVED

VETO - RETURNED TO COUNCIL WITH EXPLANATION:

On this 25 day of September, 2023.

W. Frank Adams
Chief

Presented by the Chief to the Council on the ____ day of _____, 20__.

COUNCIL'S ACTION:

Override of Chief's veto:

YES

NO

REPRESENTATIVES	YES	NO	ABSTAIN	ABSENT

CERTIFICATION

The foregoing resolution was duly voted upon by the Council on this 23rd day of September, 2023, at a meeting with a vote of 3 in favor and 1 opposed, and 0 abstaining, and 2 absent pursuant to the authority vested in the Council by the Constitution of the Upper Mattaponi Tribe.



Speaker of the Council

Section 1.1 Short Title

This enactment shall be known as, the “The Employment Contracts Authorization Act of 2023” (“Act”).

Section 1.2 Purpose.

The purpose of this Act is to authorize the Chief to enter into employment contracts with qualified individuals to serve as the Director of Finance and as the Director of Facilities and Infrastructure, which may include a limited waiver of sovereign immunity to allow for the enforcement of the employment contracts in the Tribe’s Judicial Branch of government.

Section 1.3 Findings.

The Council hereby finds and declares that:

- (a) On July 22, 2023, the citizens of the Upper Mattaponi Tribe (“Tribe”) voted to adopt a new constitution (“Constitution”) to assert the Tribe’s sovereign authority as a federally-recognized Indian tribe and to reorganize the Tribe’s government to exercise its full authority in a fair and equitable manner; and,
- (b) The Constitution establishes an executive branch of government comprised of the Chief, Assistant Chief, and various Departments and programs; and,
- (c) The Department of Finance, the Department of Records Management, and other key Departments serve critical needs in the operation of the Tribe’s government, and employing well-qualified individuals as Directors of these Departments will help ensure the efficient and professional delivery of services; and,
- (d) In order to retain well-qualified individuals to serve in these critical positions, the Tribe must offer enforceable employment contracts in order to attract experienced professionals to work for the Tribe; and,
- (e) The Council has determined that it is in the best interests of the Tribe to authorize the Chief to enter into employment contracts with Directors of key Departments in the Tribe, and to authorize a limited waiver of sovereign immunity to allow for the enforcement of the employment contracts in the Tribe’s Judicial Branch of government.

Section 1.4 Authorization of Employment Contracts to Key Directors.

The Council hereby authorizes the Chief to enter into employment contacts with well-qualified individuals to serve as the Director of the Department of Finance, the Director of the Department of Records Management, and other Directors and professional personnel of key Departments in the Tribe identified by the Chief. In recognition that each Chief elected to serve will desire to employ key policy making, ‘cabinet-level’, and administrative appointees, all

policy-level personnel, key administrative staff, and political appointees shall not be entitled to an employment contract with the Tribe and shall serve at the pleasure of the Chief.

Section 1.5 Limited Waiver of Sovereign Immunity.

The Chief shall be authorized to include a limited waiver of sovereign immunity in the employment contracts for the Director of the Department of Finance, the Director of the Department of Records Management, and other Directors of key Departments to allow for the enforcement of the contracts; provided, that such waiver shall be limited exclusively to the payment of up to three years annual salary of the effected individual, and that enforcement of the contracts shall be exclusively in the Judicial Branch of government of the Tribe.