

2007-ORD-001, ESTABLISHING FORMAT OF ORDINANCES AND RESOLUTIONS

TABLE OF CONTENTS

Section 1. Findings
Section 2. Authority and Purpose
Section 3. Definitions
Section 4. Format of Ordinances and Resolutions
Section 5. Numbering or Identification of the Mashpee Wampanoag Ordinances and Resolutions
Section 6. Amendments
Section 7. Authentication
Section 8. Legal Effects of Formatting
Section 9. Example Ordinance
Section 10. Example Resolution
Section 11. Repealer
Section 12. Effective Date

The Mashpee Wampanoag Tribal Council does ordain as follows:

Section 1. FINDINGS

The Mashpee Wampanoag Tribal Council finds as follows:

- (a) The Mashpee Wampanoag Tribe is a federally-recognized Indian Tribe with a duly-enacted Constitution.
- (b) The Mashpee Wampanoag Tribe deems it essential to the general orderly management and control of the ordinances and resolutions of the Mashpee Wampanoag Tribal Council to adopt and implement this ordinance.

Section 2. AUTHORITY AND PURPOSE

- (a) The purpose of this ordinance is to establish an identification system and format for ordinances and resolutions consistent with the ordinance and resolution procedural requirements established in 2005-ORD-001, Regulating Adoption of Ordinances, Resolutions, and Measures.
- (b) The authority for this ordinance is Article VI, § 2(A), (L) of the Constitution of the Mashpee Wampanoag Tribe.
- (c) This Ordinance does not repeal any part of 2005-ORD-001, Regulating Adoption of Ordinances, Resolutions and Measures.

Section 3. DEFINITIONS

- (a) “Amendment” shall mean a change of language in an ordinance or resolution; the change may be made by addition of new language, deletion of existing language, or both deletion and addition of language.
- (b) “Ordinance” shall mean those laws passed by the Tribal Council on matters of general and permanent interest pursuant to Article VI, § 2 of the Constitution of the Mashpee Wampanoag Tribe.
- (c) “Resolution” shall mean an official motion formally expressing the sense, will, or action of the Tribal Council.
- (d) “Secretary” shall mean the Secretary of the Tribal Council of the Tribe, or such other person as may be designated recordkeeping responsibility by the Tribal Council pursuant to Section 5 of 2005-ORD-001, Regulating Adoption of Ordinances, Resolutions and Measures.
- (e) “Tribe” shall mean the Mashpee Wampanoag Tribe.
- (f) “Tribal Council” shall mean the governing body of the Tribe pursuant to the Constitution of the Mashpee Wampanoag Tribe.

Section 4. FORMAT OF ORDINANCES AND RESOLUTIONS

- (a) Every ordinance shall be introduced in written or printed form as follows:
 - (1) Utilize 8 ½ x 11 sized sheets of paper,
 - (2) Title of an ordinance must be at the top of the paper in ALL CAPS in font size 16,
 - (3) A table of contents in ALL CAPS directly after the title listing all sections and corresponding section titles in lowercase listed sequentially, followed by a solid horizontal line separating the table of contents from the enacting clause,
 - (4) The enacting clause of all ordinances shall be: “The Mashpee Wampanoag Tribal Council does ordain as follows:”, and
 - (5) Major sections in each chapter shall be designated sequentially by section numbers, followed by the topic of the major section in ALL CAPS. Subsections to these major sections shall be designated sequentially by lowercase letters within parentheses. Subparts to these subsections shall be designated sequentially by numbers within parentheses. Subparts to these subparts shall be designated sequentially by capitalized letters within parentheses. Each chapter shall be formatted by indenting each successive sublevel further to the right than the previous level. An example for section, subsection and subpart identification is as follows:

Section 1. TOPIC

(a)

(1)

(A)

(6) All ordinances submitted must contain sections providing the following:

(A) Consequences of ordinance violation, if appropriate,

(B) A provision for the repeal of prior ordinances in conflict with the present ordinance,

(C) The effective date of the ordinance,

(D) Certification of the ordinance as required by Section 7 of this Ordinance, and

(E) Certification of Posting as required by 2005-ORD-001, Regulating Adoption of Ordinances, Resolutions and Measures.

(b) Every resolution shall be introduced in written or printed form as follows:

(1) Utilize 8 ½ x 11 sized sheets of paper,

(2) Title of a resolution must be at the top of the paper in ALL CAPS in font size 16,

(3) An unnumbered introductory section establishing the purpose and authority of the resolution; each statement labeled by “WHEREAS,”

(4) The body of the resolution introduced by “NOW, THEREFORE BE IT RESOLVED,” followed by the provisions of the resolution,

(5) The effective date of the resolution, and

(6) Certification of the resolution as required by Section 7 of this Ordinance.

Section 5. NUMBERING OR IDENTIFICATION OF THE MASHPEE WAMPANOAG ORDINANCES AND RESOLUTIONS

(a) Ordinances and resolutions shall be identified by the following numbering system:

(1) The year the ordinance or resolution was passed, followed by a hyphen (-),

(2) A three-letter acronym identifying whether the document is an ordinance (ORD) or resolution (RES) followed by a hyphen (-), and

(3) A three-digit identifying number in sequential order.

For example, this Ordinance shall be identified as 2007-ORD-001. The ordinance passed immediately after this Ordinance shall be identified as 2007-ORD-002.

(b) When referencing or citing uncodified laws of the Mashpee Wampanoag Tribe, such provision shall be referenced or cited as follows: Use the numbering system set out in subsection (a) of this Section, followed by the appropriate section number, subsection lowercase letter, subpart number, and subpart capitalized letter. For example, when citing to this section of this Ordinance, the citation will read “2007-ORD-001, § 5(b).”

(c) All ordinances and resolutions previously adopted will not require re-adoption; however, any numbers assigned shall be renumbered in accordance with the numbering system specified by this Ordinance.

(d) This Ordinance does not preclude the Tribe from further organizing the passed ordinances and resolutions into titles or other such system as designated by the Tribal Council pursuant to Article VI, § 2 of the Constitution of the Mashpee Wampanoag Tribe.

Section 6. AMENDMENTS

(a) Amendments to an ordinance or resolution shall conform to the posting and voting requirements contained in 2005-ORD-001, § 6.

(b) Amendments to any of the provisions of the Tribe’s laws adopted by Tribal ordinance must be specifically referenced in such ordinance in substantially the following language: “That ____- [ORD or RES]-____, [Section ____] is hereby amended to read as follows:”

Section 7. AUTHENTICATION

(a) An ordinance or resolution as finally enacted shall be authenticated by the signature of the Chairperson of the Tribal Council or other person as authorized by the Tribal Council, attested to by the signature of the Secretary or other person as authorized by the Tribal Council, and the Tribal Seal shall be affixed to the signature page of the ordinance.

(b) A true copy of every such authenticated ordinance shall be recorded in the official records of the Tribe.

(c) Also included in every copy of an authenticated ordinance shall be a certification by the Chairperson of the Tribe and Secretary of the Tribe, or any other such person authorized by the Tribal Council, that the same has been posted in conformity with 2005-ORD-001, §§ 1-2.

(d) The Secretary of the Tribe, or such other person designated specifically by the Tribal Council, is hereby designated primary responsibility pursuant to Article VII, § 2 of the Constitution of the Mashpee Wampanoag Tribe for recordkeeping and updating the Tribe’s laws consistent with 2005-ORD-001, § 5.

Section 8. LEGAL EFFECTS OF FORMATTING

The use of the format and organization required by this Ordinance shall, in and of itself, have no legal effect, and shall not be construed to influence in any way the force and effect of the Tribe’s laws.

Section 9. EXAMPLE ORDINANCE

0000-ORD-000, TITLE

TABLE OF CONTENTS

Section 1. Topic

Section 2. Topic

[The table of contents will include all sections and section titles; there may be more than two topics]

Section 3. Ordinance Violation *[If appropriate]*

Section 4. Repealer

Section 5. Effective Date

The Mashpee Wampanoag Tribal Council does ordain as follows:

[If appropriate, state facts giving rise to the enactment of the ordinance]

Section 1. TOPIC

(a)

(1)

(A)

Section 2. TOPIC

(a)

(1)

(A)

[The ordinance may contain more than two (2) topics, but the following three sections must follow the body of the ordinance in sequential order.]

Section 3. ORDINANCE VIOLATION

[If appropriate, insert provision for consequences of violating the ordinance.]

Section 4. REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are repealed.

Section 5. EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after its passage and publication according to law *[insert effective date or timeframe for effective date as follows: immediately; 30, 60, or 90 days, for example, from this date of passage and publication; or by a specific date determined by the Tribal Council in Month, Day, Year format.]*

Passed by the Mashpee Wampanoag Tribal Council on *[date]*.

CERTIFICATION

I, *[insert name of Tribal Council Chairperson]*, the undersigned Chairperson of the Tribal Council of the Mashpee Wampanoag Tribe do hereby certify that the Mashpee Wampanoag Tribal Council at its *[Month Day, Year]* meeting, with a quorum of seven member of the Tribal Council present, discussed the foregoing Ordinance and voted to adopt it by at least seven members of the Tribal Council members present at the meeting.

[Signature of Chairperson]
[Chairperson Name], CHAIRPERSON
Mashpee Wampanoag Tribal Council

ATTEST:

[Signature of Secretary]
[Secretary Name], SECRETARY
Mashpee Wampanoag Tribal Council

CERTIFICATION OF POSTING

This is to certify that the Ordinance titled “*insert TITLE*” has been posted in accordance with 2005-ORD-001, §§ 1-2, Regulating Adoption of Ordinances, Resolutions and Measures and 2007-ORD-001, Establishing Format of Ordinances and Resolutions.

[Signature of Chairperson]
[Chairperson Name], CHAIRPERSON
Mashpee Wampanoag Tribal Council

DATED:

[Signature of Secretary]
[Secretary Name], SECRETARY
Mashpee Wampanoag Tribal Council

Section 10. EXAMPLE RESOLUTION

0000-RES-000, TITLE

WHEREAS, Article __, Section __, of the Constitution of the Mashpee Wampanoag Tribe provides for *[such power asserted by this resolution]*,

WHEREAS, *[insert further finding supporting enactment of the resolution]*, and

WHEREAS, *[insert further finding supporting enactment of the resolution, include a period after the last “WHEREAS” clause]*.

[The resolution may include an unlimited number of “WHEREAS” clauses, but the “WHEREAS” section must be followed by “RESOLVED” clauses:]

NOW, THEREFORE BE IT RESOLVED, [*insert first provision of the resolution*], and

BE IT FURTHER RESOLVED, [*insert provision of the resolution. There may be more than one provision for the resolution*], and

BE IT FINALLY RESOLVED, [*insert final provision of the resolution. If there is only one provision, use only the "THEREFORE BE IT RESOLVED" clause*].

Effective [*insert effective date or timeframe for effective date as follows: immediately; 30, 60, or 90 days, for example, from this date of passage and publication; or by a specific date determined by the Tribal Council in Month, Day, Year format*] and until revoked or modified by the Tribal Council, pursuant to the authority vested in the Tribal Council pursuant to Article __, Section __ of the Constitution of the Mashpee Wampanoag Tribe.

CERTIFICATION

I, [*insert name of Tribal Council Chairperson*], the undersigned Chairperson of the Tribal Council of the Mashpee Wampanoag Tribe do hereby certify that the Mashpee Wampanoag Tribal Council at its [*Month Day, Year*] meeting, with a quorum of nine member of the Tribal Council present, discussed the foregoing Resolution and voted to adopt it by a majority of the members present.

[Signature of Chairperson]
[Chairperson Name], CHAIRPERSON
Mashpee Wampanoag Tribal Council

ATTEST:

[Signature of Secretary]
[Secretary Name], SECRETARY
Mashpee Wampanoag Tribal Council

Section 11. REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are repealed. This Ordinance explicitly does not repeal any part of 2005-ORD-001, Regulating Adoption of Ordinances, Resolutions, and Measures.

Section 12. EFFECTIVE DATE

This Ordinance shall take immediate effect and be enforced from and after its passage and publication according to Tribal law.

Passed by the Mashpee Wampanoag Tribal Council on *[date]*.

CERTIFICATION

I, Glenn Marshall, the undersigned Chairperson of the Tribal Council of the Mashpee Wampanoag Tribe do hereby certify that the Mashpee Wampanoag Tribal Council at its [*Month Day, Year*] meeting, with a quorum of seven member of the Tribal Council present, discussed the foregoing Ordinance and voted to adopt it by at least seven members of the Tribal Council members present at the meeting.

Glenn Marshall, CHAIRPERSON
Mashpee Wampanoag Tribal Council

ATTEST:

Desire Hendricks, SECRETARY
Mashpee Wampanoag Tribal Council

CERTIFICATION OF POSTING

This is to certify that the Ordinance titled 2007-ORD-001, ESTABLISHING FORMAT OF ORDINANCES AND RESOLUTIONS has been posted in accordance with 2005-ORD-001, §§1-2, Regulating Adoption of Ordinances, Resolutions and Measures and the provisions contained herein.

Glenn Marshall, CHAIRPERSON
Mashpee Wampanoag Tribal Council

DATED:

Desire Hendricks, SECRETARY
Mashpee Wampanoag Tribal Council