

# CONSTITUTION

## OF THE

### MATTAPONI NATION (MATTAPONI INDIAN TRIBE) OF VIRGINIA

#### PREAMBLE

We, the people of the Mattaponi Nation (Mattaponi Indian Tribe) of Virginia, exercising our traditional and historical inherent sovereign powers in order to form a representative tribal government, to enhance, conserve and develop our tribal land and resources for ourselves and our children, to provide a higher standard of living, better home life and better homes within the Reservation, to administer justice and to otherwise govern the affairs of this Tribe, and to secure for ourselves and our descendants the right, powers, and privileges guaranteed to us by our inherent sovereignty, the Treaty of 1646, the 1677 Treaty of Middle Plantation, and the Constitution and the laws of the United States, do adopt this Constitution for the Mattaponi Nation (Mattaponi Indian Tribe) of Virginia. Any tribal law established under traditional tribal law or by Tribal Council resolution shall remain in effect, subject to repeal or amendment by the Tribal Council, to the extent it is not in conflict with this Constitution.

#### ARTICLE I – NAME

The name of the body politic of our people shall be the Mattaponi Nation (Mattaponi Indian Tribe) of Virginia.

## ARTICLE II – TERRITORY AND JURISDICTION

Section 1. Territory. The sovereign authority and jurisdiction of the Mattaponi Indian Tribe of Virginia shall extend to all the land and waters within the boundaries of the Mattaponi Indian Reservation as established by the 1646 Treaty and reconfirmed by an Act of the General Assembly in 1658, and the 1677 Treaty at Middle Plantation, and to such other lands and waters as the United States or the Commonwealth of Virginia (The “Commonwealth”) may acquire for the benefit of the Tribe, or which the Tribe may acquire by purchase, gift or otherwise. Such lands and waters collectively are referred to herein as “the Reservation” or “Mattaponi Indian Reservation.” The Territory of the Mattaponi Tribe shall include, to the fullest extent possible under applicable law, all lands, property, airspace, surface and subsurface rights, other mineral and natural resources and any interest therein, tenements, all waters and accretions, and water rights which are now or in the future owned by the Tribe or owned by the United States or the Commonwealth for the benefit of the Tribe or for individual tribal members, notwithstanding the issuance of any right-of-way.

Section 2. Jurisdiction. The Mattaponi Indian Tribe shall have jurisdiction over all persons, property, and activities within the Reservation and on other lands within its Territory as defined by Section 1 of this Article. The Tribe shall also have jurisdiction over its members in the exercise of off-reservation treaty rights, and any person assisting such member in the exercise of such rights.

### ARTICLE III -MEMBERSHIP

Section 1. Requirements. The membership of the Mattaponi Indian Tribe of Virginia shall consist of Voting Members and Non-voting Members.

#### Section 2. Qualifications for Voting Membership, Non-Voting Membership, and Tribal

Descendants. A person who is a direct lineal descendant of a person whose name appears on the historic Tribal Roll of 1910 is eligible to be a Member of the Tribe. An applicant for enrollment must show lineal descent through natural parentage and not through adoptive parentage. An applicant has the burden of proof to establish Lineal Descent. All adult lineal tribal descendants who are residents of the Mattaponi Reservation and have paid all Residency Taxes due to the Tribe, shall be Voting Members of the Tribe. A Non-Voting Member who becomes a legal resident of the Reservation shall become a Voting Member. Lineal tribal descendants who are non-residents and who demonstrate substantial contact with the Mattaponi Indian Tribe, in accordance with standards and procedures set forth in an enactment by the Tribal Council, pursuant to Section 3 below, shall be considered Non-Voting Members of the Tribe. Lineal, non-resident descendants who cannot not meet the requirements for non-voting membership at the time of their application will be recognized as Tribal Descendants, and may qualify for non-voting membership by establishing substantial contact with the Mattaponi Indian Tribe in accordance with standards and procedures set forth in an enactment by the Tribal Council.

Section 3. Enrollment Code and Procedures. The Tribal Council shall enact a code governing the enrollment process, the maintenance of the Tribal Roll loss of membership, and all other necessary procedures for enrollment that are consistent with this Constitution. No person shall be enrolled as a member of the Mattaponi Tribe of Virginia except upon written application.

Section 4. Membership Roll. The Mattaponi Tribal Roll shall be kept current by adding thereto the names of persons who are born to enrolled members or who apply for and meet the qualifications for membership, and by deleting therefrom the names of persons who have relinquished their membership in writing or who are otherwise no longer qualified for membership. Upon receipt of a death certificate of a deceased Member or other evidence of death satisfactory to the Tribal Council, the names of a deceased Member shall be removed from the active roll.

Section 5. Tribal Member Directory. The Tribal Council shall cause the annual preparation of a Tribal Member Directory that shall contain the name and address of each adult tribal Member.

Section 6. Tribal Identification Cards: The Tribal Council shall issue Tribal Identification Cards to all enrolled persons of at least twelve (12) years of age, noting the person's status as a Voting Member or a Non-Voting Member. Voting Members will receive Tribal Identification Cards annually after Residency Taxes are paid. All other membership types will be issued a new Tribal Identification Card upon the filing of a Tribal Identification Card renewal application, including any renewal fee, as required by an enrollment code enacted by the Tribal Council pursuant to Section 3 above.

Section 7. Dual Tribal Membership. The Mattaponi Nation does not allow its members to be enrolled with any other Federally Recognized or State-Recognized Tribe, Nation, or similar body. Lineal Descendants who become enrolled with any other Federally Recognized or State Recognized Indian Tribe, Nation, or similar body will not be eligible for membership with the Mattaponi Nation and may be disenrolled pursuant to procedures set forth in an enrollment code enacted by the Tribal Council pursuant to Section 3 above.

#### ARTICLE IV – GOVERNING BODY

Section 1. Governing Body. The governing body of the Mattaponi Nation shall be known as the Mattaponi Tribal Council and shall consist of a Chief, an Assistant Chief and seven Council members, each of whom shall be chosen by majority vote of the Voting Members of the Tribe.

Section 2. Officers. The Council shall choose from within its own membership a secretary, a treasurer, and such other officers as it may consider necessary.

Section 3. Terms of Office.

- (a) Chief – The Chief shall serve for a four-year term.
- (b) Assistant Chief – The Assistant Chief shall serve for a four-year term.
- (c) Council Members – Each Council Member shall serve for a term of four years.
- (d) Staggered Terms – The terms of office shall be staggered.

Section 4. Oath of Office. Each newly elected Member of the Tribal Council shall take office on the first Saturday of the month after their election. The Oath of Office shall be as follows:

[I, [State Your Name], solemnly swear (or affirm) that I will faithfully execute the office of [position] of the Mattaponi Nation, and will to the best of my ability, preserve, protect, and defend the Constitution and laws of the Mattaponi Nation. I further swear (or affirm) that I shall ensure that I will act with integrity, uphold tribal traditions, ensure protections of our tribal elders and those who cannot care for themselves, and continuously work to create a prosperous future for the next generation of Mattaponi descendants.

ARTICLE V – POWERS OF THE TRIBAL COUNCIL

Section 1. Powers of the Council. In addition to all powers vested in the Mattaponi Tribe through its inherent sovereignty or by existing applicable law, the Mattaponi Tribal Council shall exercise the following powers in a manner consistent with this Constitution.

- (a) To represent the Tribe, make decisions regarding the Tribe, and act in all matters that concern the welfare of the Tribe.
- (b) To enact tribal laws as may be necessary and proper to the exercise of the Tribe's inherent sovereignty and any other power or authority that may be granted to the Tribe or recognized as being possessed by the Tribe by applicable law.
- (c) To negotiate, enter into and perform contracts and agreements of every description, with any person, association, or corporation, with any municipality or any county, or with the Commonwealth, the United States, or any state of the United States.

- (d) To advise the Commonwealth and the United States on all activities that may affect the Mattaponi Indian Nation [Tribe] or the Mattaponi Indian Reservation.
- (e) To employ staff and retain independent contractors, consultants, and outside legal counsel.
- (f) To protect and preserve the land, wildlife, plant life, forests, water rights and other natural resources of the Tribe, and to regulate the exercise of treaty fishing and hunting rights and all fishing and hunting activities within the Tribe's Territory.
- (g) To promote Indian arts, crafts, and culture.
- (h) To regulate the development, leasing and uses of tribal land and property.
- (i) To manage all economic affairs and enterprises of the Tribe;
- (j) To regulate all business activities within the jurisdiction of the Tribe;
- (k) To accept grants and donations from any person, entity, State or the United States;
- (l) To appropriate Tribal funds for Tribal purposes and to expend funds in accordance with an annual budget.
- (m) To borrow money from any source and pledge or assign chattels, non-trust property, or future tribal income as security therefor.
- (n) To levy and collect taxes, fees, or assessments upon persons, entities, property, or activities subject to the jurisdiction of the Tribe.
- (o) To enact codes establishing and governing tribal courts, providing for public safety and law enforcement within the Tribe's Territory, regulating domestic relations of persons within the jurisdiction of the Tribe, providing for appointment of guardians for minors and mental incompetents, regulating the inheritance of real and personal

property of persons within the jurisdiction of the Tribe, and providing for the removal or exclusion from the Reservation of any person whose presence may be injurious to the general welfare of the Tribe.

- (p) To regulate its own procedures, and to appoint subordinate committees of the Tribal Council.
- (q) To establish, administer and regulate tribal subdivisions, subordinate entities, instrumentalities, agencies, boards or other bodies, and to delegate responsibilities thereto.
- (r) To exercise such further powers as may be delegated to the Council by the Voting Members of the Tribe.
- (s) The foregoing enumeration of powers are in addition to, and not a limitation to, the inherent sovereign powers of the Mattaponi Nation.
- (t) In exercising the powers set forth above, the Tribal Council shall not deny to any person the equal protection of the law or deprive any person of liberty or property without due process of law.

#### ARTICLE VI – ELECTIONS

Section 1. Regular Elections. Regular elections shall be held every two years on the first Saturday of February. Elections shall be held by secret ballot.

Section 2. Terms of Office. Terms of executive officers and Tribal Council Members are staggered and therefore alternate elections will be for Chief and four Council Members in one election cycle and Assistant Chief and three Council Members for the next election cycle.



Section 3. First Tribal Council Election Following Ratification. The first Tribal Council election under this Constitution shall be held within ninety (90) days of the effective date of this Constitution at which time a system of staggered terms shall be established pursuant to the requirements of this Constitution. In the first election following the adoption of this Constitution, the Chief shall be elected to a term of four (4) years, and the Assistant Chief shall be elected to a term of two (2) years. The four (4) Members receiving the highest number of votes for the office of Tribal Council in the first election following the adoption of this Constitution shall hold office for a period of four (4) years and the three (3) remaining Members shall hold office for a period of two (2) years. Thereafter, all the terms of office shall be for a period of four (4) years. Council Members shall hold office until their successors are duly elected and installed. Installation of newly elected officers shall occur at the next regularly scheduled council meeting following the election.

Section 4. Notice. All elections shall be announced by special notice posted at least fifteen (15) days before the election at the voting place(s) and other convenient public places.

Section 5. Eligibility. Any Member of the Tribe who is a legal resident of the Reservation, has paid the required Residency Tax and is at least eighteen (18) years of age shall have the right to vote.

Section 6. Voting Places. The voting place shall be the Community Building, unless changed or expanded by Tribal Council.

Section 7. Nomination of the Chief and Assistant Chief. Any Voting Member may be a candidate for Chief or Assistant Chief if a petition nominating the Voting Member is signed by at least ten percent (10%) of the Voting Members and is submitted to the Secretary according to procedures and deadlines established by the Tribal Council in the Election Code. Any Voting Member for whom such a

petition is submitted shall be declared by the Tribal Council to be a candidate for the office of Chief or Assistant Chief as indicated in such petition. It shall be the duty of the Tribal Council Secretary, or such other person as appointed by the Tribal Council, to post the names of all qualified candidates with the Notice required in Section 4 of this Article.

Section 8. Nomination of Council Members. Any Voting Member may be a candidate for Tribal Council if a petition nominating the Voting Member is signed by at least ten percent (10%) of the Voting Members and is submitted to the Secretary according to procedures and deadlines established by the Tribal Council in the Election Code. Any Voting Member for whom such a petition is submitted shall be declared by the Tribal Council to be a candidate for the office of Council Member as indicated in such petition. It shall be the duty of the Tribal Council Secretary, or such other person as appointed by the Tribal Council, to post the names of all qualified candidates with the Notice required in Section 4 of this Article.

Section 9. Election Code . The Council shall have the power to enact an election code governing the conduct of regular and special elections and of referenda and initiative elections. Such code shall prescribe the duties of the election board, procedures for casting and canvassing ballots, the conduct and results of elections, and the settlement of any election disputes.

#### ARTICLE VII – REMOVAL FROM OFFICE

Section 1. Forfeiture of Office. If the Chief or Assistant Chief, or any Member of the Council, resigns, fails or refuses to attend two Regular Meetings in succession unless excused due to illness or other causes for which they cannot be held responsible, or shall be convicted of a felony or of a misdemeanor involving moral turpitude, the Council shall declare the seat vacant.

Section 2. Vacancies. A vacancy in the office of Chief shall be filled by the Assistant Chief.

Vacancies on the Tribal Council or office of Assistant Chief shall be filled by a special election, the procedures for which shall follow the regular election procedures set forth in Article VI of this Constitution, except for the date of the special election. Any person elected in a special election shall serve the unexpired term of the vacated seat.

#### ARTICLE VIII – RESERVATION LAND

The Reservation land shall remain tribal property and shall not be allotted to individuals in severalty, but assignments of land for private use may be made by the Council in conformity with applicable codes. The lands that comprise the Reservation as it exists on the date of the adoption of this Constitution shall not be subject to sale or exchange. Other tribal land may be sold or exchanged only upon approval by referendum of Voting Members and by the Commonwealth of Virginia or the United States, depending upon whether it is held in trust by the Commonwealth or the United States.

#### ARTICLE IX – AMENDMENTS

Section 1. Called By Tribal Council. This Constitution may be amended by a majority vote of the Voting Members voting at an election called for that purpose by the Tribal Council, provided, that at least thirty percent (30%) of those entitled to vote shall vote in such election.

Section 2. Called by Petition. It shall be the duty of the Tribal Council to call an election on any proposed amendment upon receipt of a petition signed by at least thirty percent (30%) of the Voting Members of the Tribe.

## ARTICLE XI – DUTIES OF OFFICERS

Section 1. Chief of the Tribe. The Chief shall preside over all meetings of the Council, shall perform all duties of a chairperson of the Tribal Council and exercise any authority granted specifically by the Council or by a general meeting of the Tribe. The Chief shall have power to vote as a Member of the Tribal Council.

Section 2. Assistant Chief. In the absence of the Chief, the Assistant Chief shall preside and shall have all powers, privileges, and duties of the Chief. The Assistant Chief shall succeed to the Office of Chief in the event of the Chief's death, resignation, or forfeiture of office. The Assistant Chief shall have power to vote as a Member of the Tribal Council.

Section 3. Secretary. The Secretary shall conduct all Tribal Council correspondence, keep and maintain all tribal records and copies of minutes of all Council Meetings, and perform such other duties as provided by this Constitution or as designated by the Tribal Council. The Secretary shall make Tribal Council meeting minutes available to any Tribal Member, upon request, although the Secretary may withhold from such disclosure any financial information, culturally sensitive information, or personal identifying information (not including names).

Section 4. Treasurer.

- (a) The Treasurer shall accept, issue receipt for, keep and safeguard all funds in the custody of the Council. The Treasurer shall deposit all such funds as directed by the Tribal Council and shall keep an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds received on behalf of the Tribe to the Council at Regular Meetings and at such other times as requested

by the Council. The Treasurer shall not pay or otherwise disburse any funds in the custody of the Council except when properly authorized to do so by the Council.

(b) The books and records of the Tribe, as maintained by the Treasurer shall be audited at least once a year by a competent auditor employed by the Council and at such other times as the Council may direct. The Tribe's Audit Reports shall be made available for onsite inspection, but not copying, by any Tribal Member.

#### ARTICLE XI – QUALIFICATIONS OF COUNCIL MEMBERS

Section 1. Qualifications. Any Voting Member of the Tribe who has reached the age of twenty-five (25) years shall be qualified to be a candidate for election to the Council. No person who has been convicted of a felony under tribal, state, or federal law shall be eligible to hold office in the Council.

[Section 2. No Federal, Commonwealth or County Employees. No person shall be eligible to serve as a Member of the Mattaponi Tribal Council or serve on any Tribal committee, commission, or board, if employed by the Bureau of Indian Affairs or by any other Federal, County, or Commonwealth agency, not including any branch of the United States Armed Forces.

#### ARTICLE XII – MEETINGS OF THE COUNCIL

Section 1. First Meeting Following a Regular Election. The Tribal Council shall conduct one or more training sessions before the first Regular Meeting following such election to provide training to all Members regarding the Constitution and tribal laws, and the operation and management of the Tribal and Reservation affairs, as well as the rules for the conduct of the Council.

Section 2. Regular Meetings. The Tribal Council shall conduct a Regular Meeting in open session at least once a month on a day/time and at a place to be established by an enactment of the Tribal Council. The Chief may change the date, time or place of a Regular Meeting, provided that written notice is given to all Tribal Council Members at least five days prior to the meeting. All Tribal Council Members are considered to have notice of all Regular Meetings held on the date and time and place set forth in the Tribal Council enactment.

Section 3. Closed Meetings. The Tribal Council may meet in Executive Session to consider any confidential or proprietary matter, provided that the Council shall reconvene in open session to vote on any matter before it.

Section 4. Special Meetings. Special meetings of the Council may be called by the Chief or Assistant Chief, and the Chief or Assistant Chief shall call a special meeting upon the written request of at least three Members of the Council. Notice regarding the agenda, date, time and place of a Special Meeting shall be provided to each Tribal Council Member at least twenty-four hours prior to the meeting, provided that a Special Council meeting shall be considered valid if each Council Member signs a written waiver of notice if less than twenty-four hours written notice is provided of such a meeting.

Section 5. Working and Legislative Sessions. The Tribal Council may hold working sessions for the purpose of considering important issues facing the Tribe. Working session shall be closed to the public, but the Council shall not take Official Action at such a session. Legislative Sessions may be held by the Tribal Council for the purpose of considering the enactment of specific

legislation, including the hearing of testimony from Tribal Members, Tribal Staff and members of the effected public regarding the subject of the legislation under consideration.

Section 6. Conduct of Business. In the conduct of business, recognized rules of order shall be adopted and made applicable to all proceedings of the Tribal Council and Tribal Meetings. All questions of procedure shall be decided by motion of the Council or by a ruling of the Chief in accordance with any rules of order adopted by the Tribal Council. Voting at the Council meeting may be by hand or voice, but at the discretion of the Chief or upon the request of any two Members of the Council, a vote shall be conducted by roll call and each Member's vote recorded by name by the Secretary.

Section 7. Quorum. Matters of business before the Council shall be decided by a majority vote of those present at a Council Meeting, provided a quorum is present. A quorum of the Council shall consist of five (5) or more Members, including the Chief and Assistant Chief. The Tribal Council may conduct meetings via conference call or video conference, provided that all Members of the Council are able to hear one another during such meeting.

Section 8. Official Action. Official Action of the Tribal Council includes the enactment of a code, the adoption of a resolution, or the passage of a motion. Official Action may be taken only by the affirmative vote of a majority of a quorum of the Tribal Council properly convened in a Regular or Special Meeting; provided that Official Action may be taken if the Secretary polls each Member of the Council regarding a matter and each Member signs a statement waiving notice of a meeting and consenting to the taking of Official Action through the polling method. Any

Official Action taken by the polling method must be recorded into meeting minutes and announced publicly during the next Regular or Special Meeting.

Section 9. Restriction of Voting in the Council. In any matter coming before the Council which involves any person or company that would create a conflict of interest, no Member of the Council who is directly connected with the party so involved shall be permitted to vote, except upon the provision of prior notice to, and the consent of, the remaining Members of Council. The Council shall enact a code on how to handle conflicts of interest.

#### ARTICLE XIII- CODES AND RESOLUTIONS

Section 1. Codes and Resolutions. All codes and resolutions shall be signed by the Chief, and attested-to by the Tribal Council Secretary.

Section 2. Public Inspection. All codes and regulations shall be recorded in a binder at the tribal office/community building and shall be available upon request.

#### ARTICLE XIV – MEETINGS OF THE TRIBE

Section 1. Tribal Meetings. The Council shall hold general tribal meetings, open to all legal residents of the Mattaponi Reservation, at least once a month on a day/time and at a place to be established by an enactment of the Tribal Council.



Section 2. Open Forums. The Council may from time-to-time call meetings of all Voting and Non-Voting Members, and other interested parties that the Tribal Council may, in its sole discretion, invite to participate (an “Open Forum”) to discuss such matters that the Tribal Council may deem advisable to bring before an Open Forum. Open Forums shall be held so that Members can attend in person or virtually with the aid of video conferencing technologies. Any discussions or recommendations emerging from an Open Forum are intended to be advisory in nature and shall not be binding on the Tribal Council or the Tribe but may be considered in the Tribal Council’s decision-making process.

#### ARTICLE XV – BOARD OF TRUSTEES

Section 1. Establishment. In 1894, the Virginia General Assembly established a five-member Board of Trustees for the Mattaponi Indian Tribe. Since that time, the Mattaponi Board of Trustees has served the Mattaponi Indian Tribe as an advisory council, a dispute resolution body, and a political liaison between the Tribe and the Commonwealth. The Mattaponi Indian Tribe hereby establishes the Mattaponi Board of Trustees as a tribal entity under tribal law.

#### Section 2. Responsibilities of the Trustees.

- i. Dispute Resolution. Until the establishment of a Tribal Court, it shall be the responsibility of the Trustees , acting as a body, to advise the Council regarding disputes brought before the Trustees by the Tribal Council. The Tribal Council shall prescribe by code the rules of procedure to be used by the Trustees in advising on disputes.

- ii. Advisory. The Trustees shall serve the Mattaponi Tribal Council in an advisory capacity, at the request of the Council.
- iii. No Fiduciary Duties. The Trustees shall have no fiduciary duties with regard to the Mattaponi Indian Tribe, and shall not act as a trustee toward the Tribe under common law or statute.

Section 3. Selection of Trustees. The Tribal Council shall select up to five (5) individuals from outside the Tribal Membership to serve as the Mattaponi Board of Trustees. The Trustees shall be nominated by the Chief or Assistant Chief and confirmed by a majority vote of the Tribal Council.

Section 3. Term of Office. Each Trustee shall serve for a life term, provided that the Tribal Council may remove a trustee in its sole discretion.

#### ARTICLE XVI – ADOPTION

This Constitution, when adopted by a majority vote of the Voting Members of the Mattaponi Nation (Mattaponi Indian Tribe) of Virginia, voting at a special election in which at least thirty percent (30%) of those entitled to vote shall vote, shall be effective from the date of such adoption.

CERTIFICATION OF ADOPTION

On \_\_\_\_\_, 2022 the Constitution of the Mattaponi Nation (Mattaponi Indian Tribe) of Virginia was adopted by the Voting Members of the Mattaponi Nation (Mattaponi Indian Tribe) by a vote of \_\_\_\_ (number) for, and \_\_\_\_ (number) against, and \_\_\_\_ (number) cast ballots found separated or mutilated in an election in which at least thirty (30) percent of the \_\_\_\_ Voting Members cast their ballots in accordance with the provisions of Article \_\_\_\_ of this Constitution.

Signed: \_\_\_\_\_

Name

Title

ATTEST:

\_\_\_\_\_  
Name

Secretary of the Tribal Council