



UPPER MATTAPONI TRIBE

RESOLUTION NO. 2025-12

BLANKET AUTHORITY FOR LIMITED WAIVER OF IMMUNITY FOR THE LEASE OF PROPERTY FOR TRIBAL USES

A Resolution to approve and authorize the Chief or his designee to execute a limited waiver of sovereign immunity in relation to certain lease agreements for the lease of property for Tribal uses, effective for two (2) years.

At a duly called General Meeting of the Upper Mattaponi Tribal Council held this 27th day of September, 2025, the following Resolution and Law were adopted.

WHEREAS, the Upper Mattaponi Tribe (the "Tribe") is an Indian Tribe that has existed from time immemorial and is federally recognized on a government-to-government basis by the United States of America; and

WHEREAS, the Tribe has the authority, pursuant to the limitations of its laws and Constitution of the Upper Mattaponi Tribe (the "Constitution"), to enter into contractual agreements, to buy, sell, and lease land, and among other things, to waive its sovereign immunity for purposes thereof; and

WHEREAS, through its leadership, the Tribe wishes from time to time to lease property from Tribal uses; and

WHEREAS, the leadership of the Tribe has determined that leasing property for Tribal uses provides a substantial benefit or advantage to the Tribe, as it aligns with the Tribe's goals; and

WHEREAS, entering into Lease Agreements for property requires the execution the Contract and various agreements, certifications, statements, affidavits, and other similar documents, which may be necessary and convenient; and

WHEREAS, the lease of property often requires a limited waiver of sovereign immunity and the applicability of the laws of other jurisdictions to consummate the Agreements; and

WHEREAS, the Constitution provides, "Only the Council and Chief may authorize a waiver of Sovereign Immunity by law enacted in accordance with the Legislative Process. Any authorization by the Council to waive Sovereign Immunity shall be specific,

for a limited scope and duration, and in writing.” *See*, Constitution, Article XIII, Section 1.

NOW THEREFORE BE IT RESOLVED that the Council hereby authorizes the Chief for two (2) years from the date of this resolution to a Tribal Waiver of Immunity and Consent (the “Waiver”), subject to the following limitations:

1. The term of the Lease Agreement does not exceed ten (10) years; and
2. The rental rate of the Lease is consistent with the prevailing rental rate of a similarly situated property;
3. The Waiver’s duration is limited to the duration of the Lease Agreement; and
4. The Waiver applies solely to any suit, action, or proceeding arising out of or brought to enforce the Tribe’s obligations under the Lease Agreement provided such suit only occurs in a suitable in State court for Virginia; and
5. This Waiver shall apply only to any suit, action, or proceeding in State court; and
6. This Waiver is to be construed in accordance with federal law, and proceedings brought pursuant to this waiver shall be governed by laws as set forth in the Contract.

CERTIFICATION

CERTIFICATION

The foregoing Act was duly voted upon by the Council on the 27th day of September, 2025, at a General Meeting with a vote of 7 in favor and 0 opposed, 0 abstaining, and 0 absent, pursuant to the authority vested in the Council by the Constitution of the Upper Mattaponi Tribe.


Secretary of the Council or Designee

SPONSOR: Councilperson O. Adams

COUNCILMEMBERS	YES	NO	ABSTAIN	ABSENT
Rob Adams	✓			
Ken Adams	✓			
Wilma Hicks	✓			
Sonny Knighton	✓			
Desirée Dyer	✓			
Owen Adams	✓			
Beth Gondos	✓			

ASSISTANT CHIEF (Authorized to break tie votes only): _____**DELIVERY OF THE RESOLUTION AND LAW TO THE CHIEF**

Act No. 2025-12 was presented to the Chief of the Upper Mattaponi Tribe on the 29th day of September, 2025, pursuant to 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.



Secretary of the Council or Designee

CHIEF'S ACTIONS:☒ Approved☐ Veto – Returned to Council with Explanation

On this 29th day of September, 2025.



Chief

Presented to Chief and Council on the _____ day of _____, 2025.

