



# TRIBAL COUNCIL PACKET

JULY 20, 2017



# LUMBEE TRIBAL COUNCIL BUSINESS MEETING

Thursday, July 20, 2017 / 6:30pm

Tribal Housing Complex  
Pembroke, NC 28372

## AGENDA

- I. Call to Order
- II. Invocation
- III. Pledge of Allegiance
- IV. Preamble to the Tribal Constitution
- V. Roll Call
- VI. Review and Approval of Agenda
- VII. Review and Approval of June Tribal Council Minutes & Actions
- VIII. Community Comments
- IX. **Committee Reports**

### **Constitution and Ordinance – Reginald Oxendine**

- **CLLR-2017-0720-01** "SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA APPOINTMENT" Mr. Landon Everette Moore
- **CLLR-2017-0720-02** "SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA APPOINTMENT" Mr. Joshua Dale Malcolm  
*\*Justice Francine Chavis to administer the Oath*
- **CLLR-2017-0720-03** " NATIONAL DISASTER RECOVERY SUPPORT/INTERAGENCY RECOVERY COORDINATION TEAM"

### **Finance – Anita Blanks**

- **CLLO-2010-0318-01** "AN ACT TO GOVERN THE LUMBEE TRIBE DISCLOSURE ORDINANCE"
- **ORDINANCE NO. 2005-0002**

### **Education, Cultural – Frank Cooper**

- **CLLR-2017-0720-04** "ESTABLISHMENT OF AN EDUCATIONAL SCHOLARSHIP FUND"

### **Health and Human Services – Jan Lowery**

- **CLLR-2017-0518-05** "AMERICAN INDIAN COLORECTAL SCREENING PROJECT"

### **Ethics – Ricky Burnett**

- **CLLR-2017-0720-06** "SANCTION"

- X. Tribal Administrator Report – Freda Porter
- XI. Calendar Review
- XII. Benediction

### **PREAMBLE TO THE TRIBAL CONSTITUTION**

In accordance with the inherent power of self-governance of the Lumbee Tribe of North Carolina, the Tribe adopts this Constitution for the purposes of establishing a tribal government structure, preserving for all time the Lumbee way of life and community, promoting the educational, cultural, social and economic well-being of Lumbee people, and securing justice and freedom for the Lumbee people.

# LUMBEE TRIBAL COUNCIL BUSINESS MEETING MINUTES

For Thursday, June 15, 2017 / 6:30pm

Meeting Called To Order: Speaker Bobby Oxendine

Invocation: Corbin Eddings

Pledge of Allegiance: Jerrod Lowery

Preamble: Annie Taylor

Roll Call: Jan Lowery - Secretary

Speaker Bobby Oxendine welcomed the, Tribal Chairman Harvey Godwin, Jr, former Tribal Council Member Mr. Homer Fields, Supreme Court Judge Francine Chavis, Larece Hunt and Jerl Locklear.

## **Council Members Present at Roll Call: 17**

Terry Hunt

Janie Oxendine McFarland

Lesaudri Hunt

Jonathan Locklear

Bobby Oxendine

Jarrod Lowery

Douglas Locklear

Reginald Oxendine

Jan Lowery

Bill Brewington

Corbin Eddings

Anita Hammonds Blanks

Janet Locklear

Frank Cooper

Annie Taylor

Ricky Burnett

Barbara Lowery

Speaker Bobby Oxendine read the Ethics Conflict of Interest statement.

Speaker Bobby Oxendine asked that all obey by the rules while meeting is in session.

Lesaudri Hunt made a motion to add a proclamation to the agenda after the swearing in ceremony

Corbin Eddings made a motion to approve the agenda with the proclamation added after the swearing in ceremony.

Jonathan Locklear 2<sup>nd</sup> the motion.

VOICE VOTE

ALL IN FAVOR

CARRIED

Janie McFarland made a motion to accept the May minutes and actions

Corbin Eddings 2<sup>nd</sup> the motion

VOICE VOTE

ALL IN FAVOR

CARRIED

Honorable Francine Chavis administered the re-appointment of the NC Commission of Indian Affairs oath to Larece Hunt (*term is 3 years*)

*Mr. Larece Hunt gave a brief speech*

Honorable Francine Chavis administered the re-appointment of the NC Indian Housing Authority oath to Jerl Locklear (*term is 3 years*)

Councilman Lesaundri Hunt and the Chairman Godwin presented a Proclamation to Mr. Felix Deal  
*Photos were taken*

### **Community Comments**

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Robin Branch District 2 – Communications from the Council

Dr. Reginald Oxendine – Boys and Girls Club use of local skate rink (Indian preference)

### **Committee Reports**

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#### **Education, Cultural and PR – Frank Cooper**

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##### **CLLR-2017-0615-10 “LETTER OF SUPPORT”**

ROLL CALL VOTE

17YES-0NO-0ABS

CARRIED

*Item came out of committee*

#### **Ethics – Ricky Burnett**

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**TCRR-2011-1215-01”** *Standing Rules of Order and Regulations Governing the Duties of the Tribal Council Officers and Decorum of Council Meetings” AMENDED*

##### **SECTION 2. TRIBAL COUNCIL MEETINGS**

23. In accordance with CLLO-2010-0318-01 Section 3 Item 5.f, any proposed ordinance, proposed resolution, or any other proposed document that requires action by the council, shall not be for public distribution, but may be reviewed in the appropriate tribal office.

ROLL CALL VOTE

14YES-3NO-0ABS

CARRIED

*Item came out of committee*

#### **Finance – Anita Blanks**

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**CLLO-2016-1006-01 “FISCAL YEAR OCTOBER 1, 2016-SEPTEMBER 30, 2017 LUMBEE TRIBAL BUDGET ORDINANCE”** Amendment #3 Veto Override

ROLL CALL VOTE

7YES-10NO-0ABS

FAILED

Blanket vote

CLLR-2017-0615-01"FIRST NATION OJP 2016-10125"

CLLR-2017-0615-02"HAWKEYE OJP 2016-41027"

CLLR-2017-0615-03"PEMBROKE OJP 2016-41029"

CLLR-2017-0615-04"SOUTHERN SPIRIT OJP 2016-41030"

CLLR-2017-0615-05"FOUR WINDS OJP 2016-41026"

CLLR-2017-0615-06"SCOTLAND COUNTY OJP 2016-41028"

CLLR-2017-0615-07"TWO STREAMS OJP 2016-41031"

ROLL CALL VOTE

16YES-0NO-1ABS

MOTION CARRIED

*Items came out of committee*

**CLLR-2017-0615-09 "CSBG RELEASE OF GENERAL ASSISTANCE FUNDS"**

ROLL CALL VOTE

16YES-0NO-1ABS

CARRIED

Anita Blanks made a motion to go into closed session

Jarrold Lowery 2<sup>nd</sup> the motion

No objections

Jarrold Lowery made a motion to come out of closed session

Barbara Lowery 2<sup>nd</sup> the motion

**GENERAL PROVISIONS-FINANCE 12.1b**

ROLL CALL VOTE

10YES-5NO-1ABS

CARRIED

*Item came out of committee*

Corbin Eddings made a motion to transfer funds from contingency to operate B&G Clubs

Bill Brewington made a substitute motion to take before the Finance Committee

Corbin Eddings withdrew motion

Bill Brewington made a motion to take before Finance Committee and move expediently to resolve the matter

Jonathan Locklear 2<sup>nd</sup> the motion

ROLL CALL VOTE

16YES-0NO-0ABS

CARRIED

**Tribal Administrator Report**

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Lumbee Days September 7,8,9

Federal Recognition and a resolution to support Federal Recognition

State of the Tribal Address

North Carolina Commission of Indian Affairs and a resolution of support

Partnering with LRDA for Lumbee Home Coming

Senior Miss Lumbee pageant

Military Ball Tribe will be sponsoring two tables July 1, 2017 (*tickets were given out*)  
Visitor Chief Kelly Haney with the Seminole Tribe of Oklahoma  
Economic Summit and budget  
Lumbee Tribe Enterprises will be receiving another award  
Dam assessment  
Traveling expedition  
HUD VASH program has 6vets 6have been approved 2 that have incomplete applications  
Title VI has been approved and will be closing late August  
Rehab 521 non- emergency waiting list  
Single Family additional support COG is looking to assist with adding a person to help with that program  
Security 23 calls for services information, suspicious person and vehicle  
Pillow case program  
Rosa Winfree funeral arrangements  
Grace Deese crafts at Saddletree Estates  
Anita Blanks asked that the Council be involved in the fundraising for "Lumbee Days"

### **Calendar Review**

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June 20 Supreme Court Hearing 6:30pm  
June 22 Finance Committee 6:30pm  
June 22 Emergency called 7:30pm  
June 29 Federal Recognition 6:30pm  
June 29 Education & Culture 7:30pm  
July 10 Ethics 6:30pm  
July 11 Housing 6:30pm  
July 11 Finance 7:30pm  
July 11 Health & Human Services 8:30pm

Jonathan Locklear made a motion to adjourn  
Barbara Lowery 2<sup>nd</sup> the motion  
No objections

Benediction – Bill Brewington



JULY 20, 2017

CONSTITUTION  
&  
ORDINANCE

# LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2017-0720-01

DATE: JULY 20, 2017

## “SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA APPOINTMENT”

**WHEREAS**, The Lumbee Tribe of North Carolina (“Lumbee Tribe”) is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina (“Tribal Constitution”) and its inherent powers and self-government, and;

**WHEREAS**, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina (“Tribal Council”), and;

**WHEREAS**, The Constitution of the Lumbee Tribe of North Carolina authorizes the Tribal Chairperson and Tribal Council to make nominations and appointments to the Supreme Court of the Lumbee Tribe of North Carolina, and;

**WHEREAS**, The Constitution of the Lumbee Tribe of North Carolina authorizes the Tribal Council of the Lumbee Tribe of North Carolina to appoint the nominee, and;

**THEREFORE**, be it resolved, the Tribal Council of the Lumbee Tribe of North Carolina does hereby confirm the nominee Mr. Landon Everette Moore to the Supreme Court of the Lumbee Tribe of North Carolina.

**THEREFORE**, be it even further resolved, upon swearing-in Mr. Landon Everette Moore will serve a five year term on the Supreme Court of the Lumbee Tribe of North Carolina.

## CERTIFICATION

THIS “**SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA APPOINTMENT**” CLLR-2017-0720-01, ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE \_\_\_\_\_ MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 20<sup>TH</sup> DAY OF JULY, 2017 BY A VOTE OF \_\_\_\_\_ YES, \_\_\_\_\_ NO, AND \_\_\_\_\_ ABSTENTION(S).

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ATTEST: BOBBY OXENDINE  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

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ATTEST: JAN LOWERY  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

# Landon Everette Moore

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92 W.L. Moore Rd, Maxton, NC 28364 | 910-734-4884 | everette.moore@sscoop.com

## OBJECTIVE

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To use my knowledge, leadership, operational marketing skills and experience in a public service role.

## EXPERIENCE

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2009-  
Present      *Agronomy Sales Manager, Southern States Cooperative, Lumberton, NC*  
*Leadership, supervision; Pesticide, Herbicide, Fertilizer Application;*  
*Collaborate; Waste management; Pest control; Soil sampling; Crop scouting;*  
*Landscaping; Crop planting & harvesting; Coordinate crop field days and*  
*educational experiences*

2006-2009      *Sales Agronomist, Farm Chemicals Inc., Raeford, NC*

2004-2006      *Plant Technician, Pioneer Hi-Bred International, Inc., Maxton, NC*

## EDUCATION

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2017      Certified Crop Advisor

2004      B.S. in Agricultural & Environmental Technology, NC State University

## COMMUNITY SERVICE

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2016-present      *Advisory Council Member, Prospect Elementary School*

2015-present      *Board of Directors Member, Farm Bureau Inc.*

2010-present      *Administrative Board Member, Prospect United Methodist Church*

2005-present      *Volunteer Firefighter, Prospect Volunteer Fire Department*

# LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2017-0720-02

DATE: JULY 20, 2017

## “SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA APPOINTMENT”

**WHEREAS**, The Lumbee Tribe of North Carolina (“Lumbee Tribe”) is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina (“Tribal Constitution”) and its inherent powers and self-government, and;

**WHEREAS**, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina (“Tribal Council”), and;

**WHEREAS**, The Constitution of the Lumbee Tribe of North Carolina authorizes the Tribal Chairperson and Tribal Council to make nominations and appointments to the Supreme Court of the Lumbee Tribe of North Carolina, and;

**WHEREAS**, The Constitution of the Lumbee Tribe of North Carolina authorizes the Tribal Council of the Lumbee Tribe of North Carolina to appoint the nominee, and;

**THEREFORE**, be it resolved, the Tribal Council of the Lumbee Tribe of North Carolina does hereby confirm the nominee Mr. Joshua Dale Malcolm to the Supreme Court of the Lumbee Tribe of North Carolina.

**THEREFORE**, be it even further resolved, upon swearing-in Mr. Joshua Dale Malcolm will serve a five year term on the Supreme Court of the Lumbee Tribe of North Carolina.

## CERTIFICATION

THIS “**SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA APPOINTMENT**” CLLR-2017-0720-02, ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE \_\_\_\_\_ MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 20<sup>TH</sup> DAY OF JULY, 2017 BY A VOTE OF \_\_\_\_\_ YES, \_\_\_\_\_ NO, AND \_\_\_\_\_ ABSTENTION(S).

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ATTEST: BOBBY OXENDINE  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

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ATTEST: JAN LOWERY  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

# Joshua Dale Malcolm

## EDUCATION:

J.D., North Carolina Central University School of Law, Durham, NC (2004)

B.A., The University of North Carolina at Pembroke, Pembroke, NC (1992)

## EXPERIENCE:

### **The University of North Carolina at Pembroke, Pembroke, NC**

Chief Legal Officer/General Counsel/Assistant Secretary of the Board of Trustees, April 2008 – present.

Responsible for all legal matters that affect the university. Involved in every major strategic and policy decision affecting the campus (6,600 students and 900 staff/faculty, with an annual operating budget of \$115 million). Advise the chancellor and senior leadership on diverse issues ranging from education to student admissions, procurement, brand management, constitutional law, academic freedom, ethics, NCAA compliance, governance, contracts, public records demands, police conduct, student discipline, construction law, and student privacy. Responsible for planning and coordinating meetings of the Board of Trustees and its committees. Serve as the designated ethics liaison to the North Carolina State Ethics Commission.

### **Fayetteville State University, Fayetteville, NC**

Assistant General Counsel, November 2004 – April 2008.

Researched state and federal criminal and civil law, investigated crimes and other allegations of misconduct and made recommendations to senior administrators. Drafted contracts, agreements, other legal documents and university policies. Assisted general counsel in providing professional legal advice and counsel to university administrative officials. Conducted internal reviews/investigations and provided counsel to the internal auditor during inquiries into allegations of malfeasance by state employees. During a nine-month interim period in 2007, supervised and provided direct leadership to the campus based law enforcement agency of 20 certified law enforcement officers.

### **District Attorney, 16-B District, Lumberton, NC**

Assistant District Attorney, September 2004 – October 2004.

Prepared and prosecuted criminal cases in District Court in Robeson County.

### **Locklear, Jacobs, Hunt & Brooks, Lumberton, NC**

Summer Associate, July 2003 – August 2003.

Researched and assisted attorneys with trial preparation, which included preparing amended answers and discovery requests. Represented the local school board before Employment Security Commission.

### **United States Attorney, Eastern District of NC, Raleigh, NC**

Summer Law Clerk, May 2003 – July 2003.

Appeared before Magistrate and District Courts in detention and sentencing hearings on behalf of the United States of America. Researched and wrote legal memorandums on various issues related to criminal law.

### **District Attorney, 16-B District, Lumberton, NC**

Summer Intern, May 2002 – August 2002.

Researched state criminal statutes and wrote memorandums, including a memorandum on the constitutionality of a confession by a first degree murder defendant. Researched legal issues for numerous cases before Superior and District Courts.

### **Pilkington – North America, Laurinburg, NC**

Supervisor, February 2000 – August 2001.

Supervised the activities of 34 unionized hourly associates at the world's largest flat glass manufacturing facility. Responsible for scheduling work shifts, maintaining OSHA (Occupational Safety and Health Administration) and company safety standards. Maintained accountability for product inventory valued at \$30 million. Certified as a Six Sigma Green Belt and served as an ISO 9000 auditor.

### **U.S. Air Force, 311<sup>th</sup> Squadron, Presidio of Monterey, CA**

Captain, Student, August 1998 – October 1999.

Graduated from the Defense Language Institute-Foreign Language Center (DLI-FLC). Studied the Italian language, and the history, customs, political, military and social structure of Italy as well as other European countries.

**P.O. Box 295, Pembroke, NC 28372-0295  
910.775.4336 (office)**

# Joshua Dale Malcolm

**U.S. Air Force, 39<sup>th</sup> Airlift Squadron, Dyess AFB, TX**  
Captain, C-130 Navigator, November 1993 – August 1998.

Mastered the basics of aviation, with a focus on federal aviation rules, crew resource management, team building, and physical training. Flew a total of 1,580 hours as an aviator, including combat missions during Operation JOINT ENDEAVOR (Bosnia-Herzegovina, Croatia, Hungary); combat support missions during Operation SOUTHERN WATCH (Kuwait, Saudi Arabia, Oman); missions in support of Operation NATURAL FIRE (Kenya); and other contingency operations. Served as an Instructor and Evaluator Navigator, which required administering in-flight and ground evaluations to ensure squadron members could safely and effectively perform the unit's combat mission.

**U.S. Air Force, 380<sup>th</sup> Squadron, Plattsburgh AFB, NY**  
2<sup>nd</sup> Lieutenant, Contracting Officer, January 1993 – November 1993.

Supervised the efforts of five personnel. Responsible for awarding and executing \$15 million in contracts. Interpreted the Federal Acquisition Regulation (FAR) and other applicable laws and statutes on a daily basis. Routinely reviewed contracts to ensure no breach of contract or fraud was occurring.

## **BOARD SERVICE:**

**North Carolina State Board of Elections, Raleigh, NC**  
Member, 2013 – present.

The State Board of Elections is the state agency charged with overall responsibility for administration of the elections process and campaign finance disclosure in North Carolina. The state board itself is composed of five members, appointed by the Governor. The state board appoints the state's 100 three member county boards of elections, who conduct local elections, operate voting sites, maintain voter registration lists and handle numerous aspects of election administration. The state board is the state agency statutorily bound to ensure that all elections are conducted lawfully and fairly for approximately of 6.7 million registered voters.

**Robeson County Board of Elections, Lumberton, NC**  
Chairman, 2006 – 2013.

Served on the county board of elections and was responsible for hiring the county director of elections and staff. At the local level, the county board is responsible for all aspects of elections and all matters associated with approximately 72,000 registered voters.

**Board of Trustees, Scotland Health Care System, Laurinburg, NC**  
Member, 2010 – present.

Serve on Board charged with overseeing the operations and staff of the only hospital in Scotland County, NC. The hospital is a 104-bed facility that provides health care services primarily to residents in rural southeastern NC.

## **RECOGNITION:**

In-House Leaders in Law, North Carolina Lawyers Weekly and The Mecklenburg Times, 2010  
Leadership North Carolina Class XIII, 2006  
U.S. Office of Personnel Management (OPM), Presidential Management Fellows (PMF) Selectee, 2004  
Julian Pierce Scholarship Recipient – NCCU School of Law, 2003 – 2004  
Member – *North Carolina Central Law Journal*, 2003 – 2004  
USAF Aerial Achievement Medal, 1997 and 1998  
USAF Commendation Medal, 1998  
USAF Southwest Asia Service Medal, 1996  
USAF Distinguished Graduate (C-130 Mission Qualification Training), 1995  
USAF Logistics Group, Company Grade Officer of the Quarter, 1993  
USAF Distinguished Graduate (Air Force ROTC, top 10% of 1100 graduates), 1992

## **MILITARY TRAINING:**

USAF, Squadron Officer's School, 1999, 7 weeks  
US Army, Defense Language Institute, Italian Course, 1999, 25 weeks  
USAF, C-130 Instructor Navigation Qualification Course, 1997, 6 weeks  
USAF, Undergraduate Navigator Training, 1994, 8 months  
USAF, Base Level Contracting, 1993, 5 weeks  
US Army, Airborne Training, 1991, 3 weeks

**P.O. Box 295, Pembroke, NC 28372-0295**  
**910.775.4336 (office)**

# Joshua Dale Malcolm

## OTHER:

Adjunct Associate Professor, Master of Public Administration Program, UNC Pembroke, 2005 – present

Chairman, NC Bar Association, Education Law Section, 2008 – 2009

Member, National Association of College and University Attorneys, 2004 – present

Member, NC Bar Association, 2004 – present

Member, Robeson County Bar Association, 2004 – present

Member, American Bar Association, 2004 – 2008

Member, Civil Air Patrol, Abilene Squadron, TX, 1996 – 1998; Fayetteville Squadron, NC Squadrons, 2004 – 2007

North Carolina State Bar #32807

Level I, US Government Contracting Officer, 1993

Private Pilot, April 13, 1996

# LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2017-0720-03

DATE: JULY 20, 2017

## **"NATIONAL DISASTER RECOVERY SUPPORT/INTERAGENCY RECOVERY COORDINATION TEAM"**

**WHEREAS**, The Lumbee Tribe of North Carolina ("Lumbee Tribe") is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina ("Tribal Constitution") and its inherent powers and self-government, and;

**WHEREAS**, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina ("Tribal Council"), and;

**WHEREAS**, On October 8, 2016 Hurricane Matthew struck North Carolina and severely impacted the Tribal Territory, the effects of which are still being felt by Tribal Members, and;

**WHEREAS**, In the aftermath of Hurricane Matthew the Lumbee Tribe of North Carolina has worked with various Federal Agencies, including the Federal Emergency Management Agency (FEMA), and;

**WHEREAS**, the National Disaster Recovery Framework is a guide that enables effective recovery support to disaster-impacted States, Tribes, Territorial and local jurisdictions, and;

**WHEREAS**, FEMA as a part of its National Disaster Recovery Framework desires to enter into a Interagency Recovery Coordination Partnership with the Lumbee Tribe of North Carolina and as a part of that partnership work with the Lumbee Tribe of North Carolina to develop a strategy, approach, and timeline for the Tribe's long-term recovery and resilience efforts.

**THEREFORE**, be it resolved, the Tribal Council of the Lumbee Tribe of North Carolina does hereby support the **Lumbee Tribe of North Carolina and Interagency Recovery Coordination Partnership, to aid in the Hurricane Matthew Disaster Recovery efforts for the Lumbee Tribe of North Carolina and its members.**

## **CERTIFICATION**

THIS CLLR-2017-0720-03 **"NATIONAL DISASTER RECOVERY SUPPORT/INTERAGENCY RECOVERY COORDINATION TEAM"**, ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE \_\_\_ MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 20<sup>TH</sup> DAY OF JULY, 2017 BY A VOTE OF \_\_\_ YES, \_\_\_ NO, AND \_\_\_ ABSTENTION(S).

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ATTEST: BOBBY OXENDINE  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

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ATTEST: JAN LOWERY  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina



JULY 20, 2017

FINANCE

LUMBEE TRIBE OF NORTH CAROLINA

ORDINANCE NO. 2005-0002

DATE: MAY 4, 2005

AMENDED DATE: JULY 20, 2017

THEREFORE, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance that shall be cited as "ELECTION ORDINANCE".

SECTION 3: OATH AND DUTIES OF THE ELECTION BOARD

- 7. Tribal voter identifying information to be released pending tribal membership approval through the "initiative" provision designated in the Tribal Constitution.**

**LUMBEE TRIBE OF NORTH CAROLINA**

P.O. Box 2709  
Pembroke, NC 28372  
910.521.7861  
www.lumbeetribe.com

ORDINANCE NO. 2005-000 2

DATE: May 4, 2005

**WHEREAS**, The Lumbee Tribe of North Carolina, a recognized Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina and its inherent powers of self-government; and

**WHEREAS**, Article VII, Section 1 of the Constitution of the Lumbee Tribe of North Carolina delegates all legislative authority to the Tribal Council; and

**WHEREAS**, Article X of the Constitution of the Lumbee Tribe of North Carolina establishes an independent Tribal Elections Board and the method in which the Elections Board shall be seated, and

**WHEREAS**, Article X authorizes the Tribal Council to adopt ordinance (s), which shall govern voter registration and the conduct of all regular and special tribal elections and any other matters, specified herein.

**THEREFORE**, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance that shall be cited as "ELECTION ORDINANCE."

**SECTION 1: QUALIFICATIONS OF ELECTIONS BOARD AND ALTERNATES**

1. No person who is elected, appointed, or employed with the Lumbee tribal government shall serve as a member or alternate on the Elections Board (hereafter referred to as "Board").
2. The Board members and alternates shall be an enrolled member of the Tribe and at least 18 years of age at the time of their appointment to the Board or when selected as an alternate.
3. Members and alternates shall be appointed according to Article X, Section 2 of the Constitution of the Lumbee Tribe of North Carolina (hereafter referred to as "Lumbee Constitution").
4. When appointing a member to the Board, each appointing committee shall also select an alternate that shall be appointed to the Board if his or her district seat becomes available due to disqualification or resignation of the district Board member.

5. Each appointing committee, shall, to the extent possible, appoint Board members and alternates with experience in tribal and/or state elections.

## **SECTION 2: DISQUALIFICATION AND REPLACEMENT OF BOARD AND ALTERNATES**

1. The members of the Board shall disqualify themselves and withdraw from all functions of their positions during any election or process in which a conflict of interest exists as defined by the ordinance on Ethics and Conflict of Interest. Such members shall resume their duties only when there is no longer a conflict of interest.
2. If a member of the immediate family of a Board member files as a candidate for a position in the tribal government, the Board member shall be disqualified from serving in that election and a Board alternate shall serve in his or her place.
3. If a Board member files as a candidate for a position in the tribal government, the Board member's appointment shall be deemed automatically withdrawn.
4. A Board member may resign his or her office at any time. Resignation is immediate upon submitting written notice to the Tribal Council of his or her resignation.
5. If an alternate named pursuant to Section 1 of this Ordinance is not available or willing to serve on the Board for the appointing committee seat that is available, the Tribal Council shall appoint a person to fill such vacancy according to Article X, Section 2 of the Lumbee Constitution.

## **SECTION 3: OATH AND DUTIES OF ELECTION BOARD**

Upon accepting appointment to the Board, each member shall sign the Lumbee Tribe of North Carolina's Oath of Office, which shall become part of the Board's records.

The Election Board's authority to promulgate rules and regulations shall include, but not be limited to:

1. Verifying that a person meets the qualifications for candidacy under Article II of the Lumbee Constitution and any adopted Ordinances;
2. Certifying candidate/s;
3. Examining and verifying petitions for measures;
4. Supervising elections for candidates and measures;
5. Distributing to candidates a copy of the Lumbee Constitution, ordinance on Election Regulations, and any other election materials;
6. Designating polling sites and election dates and hours. The Board shall cause to be published all polling sites, election dates and hours and other information deemed necessary at least fifteen (15) days before the election in newspapers of wide distribution and other forms of media outlay;

7. Distributing a list of voter addresses and any other contact information approved by the tribal membership to candidates in a format to be determined by the Board;
8. Publishing and posting sample ballots;
9. Completing an alphabetical ordering of candidates for ballot arrangement;
10. Preparing ballots;
11. Mailing absentee ballots;
12. Designating a post office box where absentee ballots shall be returned;
13. Retrieving absentee ballots from the designated post office box;
14. Accepting or rejecting absentee ballots by a verification process;
15. Counting or supervising the counting of ballots cast in an election, excluding rejected absentee ballots;
16. Posting election results;
17. Supervising recounts of election results;
18. Certifying election results;
19. Conducting election appeals and awarding a new election, if necessary;
20. Reporting election results to the tribal membership;
21. Maintaining accurate election records, including the poll book;
22. Storing ballots in such a manner that will ensure the safekeeping and security of said ballots for a period of one (1) year from the date of the election or until any contested election is resolved, whichever is later.

#### **SECTION 4: CONDUCT OF ELECTIONS**

##### **1. Ballots**

- a. The Board shall prepare all ballots. The ballot shall be printed on white paper with black ink. Tribal Council election ballots shall include the number of candidates to be elected and detailed instructions regarding the number of vote(s) a voter can cast.
- b. Not later than the five (5) business days following the certification of candidates, the Board shall complete an alphabetical ordering of the candidates. The names of the candidates shall be arranged on the ballot according to said random ordering. If the Board determines that a candidate has died or withdrawn, the name of the candidate shall not be printed on the ballot or, if the ballots have already been printed, shall be erased or canceled before the ballots are distributed.

##### **2. Voting Procedure**

- a. Except as otherwise provided, any eligible voter may vote by appearing at the voter's prescribed polling site, announcing to the Election Precinct Committee his or her name, address, and signing the ballot sign out sheet. If the voter is unable to sign the ballot sign out sheet, the elections worker shall write "unable to sign" by that name.

- b. The Election Precinct Committee will verify that the prospective voter is the voter whose name he or she is seeking to vote under by his or her tribal enrollment card, driver's license, or other state issued identification card with picture before permitting the eligible voter to vote. Any eligible voter unable to vote in person may vote by absentee ballot as prescribed in this ordinance. If the poll book indicates the voter has already submitted an absentee ballot, the voter will not be permitted to vote again.
- c. Once a voter's identity has been verified, the elections worker shall note such verification in the poll book by signing his or her initials by the voter's name. The voter will then be issued a ballot.
- d. The voter shall then mark the ballot in a private area to be designated by the Board. The voter may receive assistance with voting from an Elections Precinct Committee member if requested by the voter. The voter shall deposit the ballot in the locked ballot receptacle when completed.
- e. If the voter accidentally makes a mistake or mutilates his or her ballot, a new ballot shall be issued to the voter with the correction noted in the poll book. The spoiled ballot shall be sealed in an envelope by the voter and stored in the locked ballot receptacle or machine.
- f. If a voter presents his or herself and states that he or she, because of a physical disability is unable to mark the ballot, assistance shall be provided by at least two members of the Election Precinct Committee, whenever possible.
- g. Immediately after the polls are closed, the Board shall count or cause to be counted the ballots cast. Election winners shall be chosen by plurality according to the rank order of votes received.
- h. Upon completion of the ballot counting at each polling site, the Elections Precinct Committee shall announce the election results for that site.

### 3. Electioneering at Polling Sites

- a. No person shall be allowed to electioneer within fifty (50) feet of the entrance to any polling site while an election is in progress. Nor shall any person, except election officials and other persons authorized by law, be allowed to approach the ballot box while an election is in progress or remain within fifty (50) feet of the polling site except while actually voting.
- b. No written or printed material other than that provided by the Board shall be publicly placed or exposed on public or private property within fifty feet

(50) of the entrance to any polling site while an election is in progress. The Board may establish additional procedures on electioneering.

- c. Candidates may submit two names to serve as their respective designated watchers for each polling place, one of which shall be an alternate. Poll watchers:
  - i. Must be an eligible voter;
  - ii. Must be clearly identified by a badge, armband or other appropriate identification to be issued by the Board;
  - iii. Are prohibited from conversing with voters and Election Precinct Committee members. Any disruption by watchers will be cause for their removal from the polling site; and
  - iv. Are to remain only in areas designated by the Board.
- d. In an election for a measure, one voter advocating and one voter opposing the measure shall be used as observers at polling sites when such advocates are available.
  - i. Prior to an election involving a measure, the Board shall run a notice in newspapers of wide distribution and other forms of media outlay requesting that voters volunteer for pools supporting and opposing the measure, from which these observers shall be selected.
  - ii. In the event that an advocate is not available for a polling site, the Board shall have in place procedures to uphold the integrity of the voting results at that polling site.

#### 4. Use of Voting Machines

- a. No voting machine shall be used in any election unless it:
  - i. Secures to the voter secrecy in casting his or her ballot
  - ii. Permits the voter to vote for any candidate and as many candidates for which the voter has a right to vote; and, where marked ballots are used;
  - iii. Is capable of correctly counting ballots on which the proper number of votes have been marked for any candidates or measures that have been voted; and,
  - iv. Is capable of totaling votes by candidate and totaling votes for and against each measure on the ballot.
- b. If a voting machine becomes inoperative, the Board shall repair the voting machine at once or substitute another voting machine. If no other voting

machine can be procured and the inoperative voting machine cannot be repaired in time for further use in the election, or when in the discretion of the majority of the Board it is impracticable to use the voting machine, the Board shall resort to the use of paper ballots, and to the counting of same by the Board.

## **SECTION 5: ABSENTEE VOTING**

### **1. Provisions for Absentee Voting**

- a. The Board shall determine a period prior to all elections to provide voters with "No Excuse" absentee voting.
- b. The Board shall designate a post office box rented by the Board or a box belonging to the Board as the place where absentee ballots shall be returned.
- c. The Board shall send by U.S. Mail an absentee ballot to each voter who has requested an absentee ballot according to procedures.
- d. Absentee ballots shall be returned by U.S. mail, and must be received at the location designated by the Board no later than 5:00 p.m. of the business day prior to the election.
- e. The absentee ballot shall consist of a ballot which otherwise meets the requirements of this ordinance, an outer envelope, instruction sheet, ballot secrecy envelope, and return envelope.

### **2. Voting Procedure for Absentee Ballots**

- a. An immediate family member of a voter can request an absentee ballot for the voter. The Board shall have in place the procedures for verification of returned absentee ballots when the ballot is requested by an immediate family member.
- b. Voters who live outside the territory of the Lumbee Tribe of North Carolina may, in a one time only declaration, select a district within the tribal territory that shall be used for the purpose of identifying the voting district in which the voter votes.
- c. When voting by absentee ballot, the voter shall mark the ballot, place it in the ballot secrecy envelope, and seal it. The voter shall then place the ballot secrecy envelope inside the return envelope and seal it. The return envelope shall be signed by the voter as it appears on the return envelope and returned by U.S. Mail to the location designated by the Board.

- d. The Board shall compare the signature on the return envelope with the signature on the voter's signature form. If the signature is absent or does not match, the absentee ballot shall be rejected. The entire rejected absentee ballot shall be deposited unopened in a separate, secure box for invalid ballots. If the signatures match, the ballot shall be deposited in the locked ballot box.
- e. For ballots placed in the locked ballot box, the Board shall record the return of the voter's absentee ballot by and through a process that will identify the voter as having voted by absentee ballot. The process shall provide information to be used on the day of election, to identify those voters who have already cast a vote and to prohibit the voter from casting a second vote.

### 3. Security of Ballots

- a. Returned absentee ballots shall remain in the designated post office box until retrieved by the Board.
- b. The Board may retrieve returned absentee ballots during the timeframe of:
  - i. Not more than two (2) days before the election, and
  - ii. After the deadline for absentee ballots to be returned, but before the beginning of the election.
- c. In the event the post office box is no longer adequate or workable, the Board shall secure a comparable means for assuring the security of ballots.
- d. Following the counting of ballots, The Board shall store all ballots, upon approval of the Tribal Council, in such a manner that will insure the safekeeping and security of said ballots for a period of one (1) year from the date of the election or until any contested election is resolved, whichever is later.

## SECTION 6: ELECTION RESULTS

- 1. During the canvassing of election results, the Board shall:
  - a. Judge the applicability of absentee and questioned ballots, shall open and tally those accepted, and shall compile the total votes cast in the election.
  - b. Review the tallies of the recorded vote to check for mathematical error by comparing totals with other tallies such as the number of ballots issued, signatures, and other data.
  - c. Correct all obvious errors found during the canvassing.

2. **Automatic Recount:** There shall be an automatic recount of election results if there is a difference of one (1) percent or less in the number of votes cast for a candidate or measure.
  - a. The automatic recount shall not be subject to the other sections of this ordinance. The automatic recount shall be held within three (3) business days after the first counting of ballots.
  - b. Upon completion of the automatic recount, the Board shall announce the results of the recount pursuant to this ordinance. The results of the recount shall be the unofficial results of the election, contingent to any appeal or a request for a recount by
    - i. A written request to the Board, and
    - ii. Within three (3) business days after the Board has announced the election results.
3. **Request for Recount:** If a request for a recount is filed and granted, the recount shall be provided within three (3) business days following the granting of a recount.
  - a. **Opening the Ballot Box:** The ballot box shall be opened by the chairperson of the Board or his or her designee only in the presence of the Board and other persons referred to in this section who has a vested interest. The Board shall conduct the recount and permit any candidate or voter, authorized in writing by a candidate to be present as his or her representative, to watch the recount.
  - b. In an election for a measure, one voter advocating and one voter opposing the measure may be present to watch the recount. (Prior to an election involving a measure, the Board shall run a notice in the local media requesting that voters volunteer for pools supporting and opposing the measure, from which these observers shall be selected.)
  - c. If voting machines were used in the election, voting machines may also be used for the recount.
  - d. The results from the recount shall be the unofficial results of the election.
4. **Contested Election:** A candidate may contest the results of an election for Tribal Chairperson or Tribal Council, while a voter may contest the results of any measure.
  - a. Any contest must be based on a violation of tribal law or applicable common federal law.

- b. The candidate, or any person authorized to act for such candidate, whose right to the office is contested, has given to a voter, election judge or election clerk a bribe or reward, or has offered such bribe or reward for the purpose of procuring his or her election.
  - c. The complaint must identify the specific act constituting such alleged fraud and the names of the alleged perpetrators of such fraud.
  - d. If fraud is proven on the part of a candidate, such candidate shall be declared ineligible for the office for which he or she was a candidate. However, if the allegations are not proven by clear and convincing evidence, the candidate shall be declared eligible for the office.
5. An election result may be challenged on the basis of an allegation of irregularities other than fraud only if such challenge alleges material and substantial irregularities and of such a nature that:
  - a. The outcome of the election would have been contrary to the reported result;  
or
  - b. Proves it is impossible to determine with mathematical certainty which candidate is entitled to be certified as elected, or in an election concerning a referendum, that the outcome of the election is impossible to determine with mathematical certainty.
  - c. The board may order a new election upon agreement of at least 3 members of the election board.

## **SECTION 7: ELECTION CERTIFICATION**

1. After counting, all ballots shall be placed in ballot boxes, locked, and marked by the Election Precinct Committee with the name, voting site and the date of the election.
2. All unused, spoiled or rejected ballots shall be labeled and placed in the ballot box.
3. The Precinct Judge and at least one other precinct committee member shall immediately return the locked ballot boxes containing all election ballots to the place designated by the Board.
4. The Board shall certify all elected candidates to the seat or office in which they were a candidate and/or certify the results of a vote on a measure(s):
  - a. Provided that a challenge to election results or request for recount or automatic recount has not been filed with the Board by 5:00 pm at the end of five (5) business days after the Board has announced the unofficial results of the election.

5. Certification of a candidate or measure in question will be made by the Board following the determination of the challenge or recount, as the case may be.
  - a. Upon certification of an election, a candidate or voter may within five (5) business days, appeal to any lower court with jurisdiction.
  - b. If the decision of any lower court is not satisfactory or if no lower court exists, the candidate or voter may appeal to the Supreme Court, or to any Supreme Court designee, or any lower court given jurisdiction by the Supreme Court, according to Article IX, Section 1 of the Lumbee Constitution.

## **SECTION 8: VIOLATIONS OF ORDINANCE**

A. A person is guilty of violation of this ordinance who:

1. Knowingly votes more than once in any election;
2. Not being entitled to vote, knowingly votes;
3. Hinders the voting of others;
4. After having received a ballot as a voter, knowingly fails to cast the ballot or return the ballot to the Election Precinct Judge before leaving the polling site or going outside the voting area;
5. Knowingly adds a ballot to those legally cast at any election by fraudulently introducing the ballot into the ballot box or mixing the ballot with other ballots lawfully cast while they are being canvassed or counted;
6. Knowingly detains, destroys, alters, or mutilates a ballot or election returns; or
7. Intentionally disables or removes from the polling site or custody of an election official, a voting machine, ballot box, or voting record; or
8. While at a polling site, refuses to obey a lawful order of a member of the Board or Precinct Committee.
9. Willfully contributes to the fraud and/or irregularity of an election.

B. Any person found in violation of this ordinance shall be subject to the following:

1. If a candidate, shall be subject to Section 6 of this ordinance;
2. Shall be ineligible to vote and be present at any tribal polling sites during tribal elections for a period of four (4) years.

### **Definitions:**

Elections Precinct Committee- poll workers designated by the Board of Elections

Voter(s) - those members of the Lumbee Tribe who meet the requirements as set forth in Article II of the Lumbee Constitution.

Challenge - a duly notarized statement setting forth a challenge: to the right of any person to be listed as an eligible voter, or as to the authenticity of any signature upon a nominating petition.

Contest of Election - to protest the election results

Immediate Family Members - shall mean son, daughter, husband or wife, brother, sister, mother, father, aunt, uncle, grandmother, grandfather, step and/or half brother and sister, stepmother, stepfather, nephew, niece, and cousin of the first degree and a person in which there is a spousal relationship.

Board - the Election Board of the Lumbee Tribe as created by the Lumbee Constitution.

Measure - any election submitted to the Elections Board or Tribal Council for the approval or rejection by the tribe at an election, except the election of the Tribal Chairperson and Tribal Council. Examples of election measures are: initiative or referendum petition, recall, and amendment to the Lumbee Constitution.

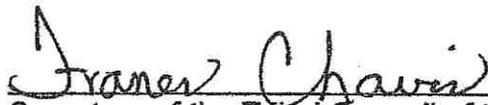
Voter Verification Form - a form as prescribed by the Elections Board to be used in the issuance of absentee ballots.

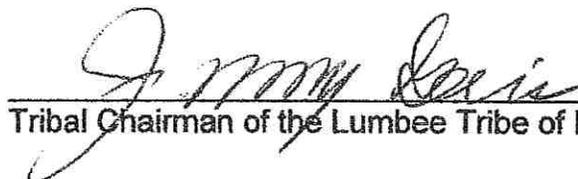
Voting Machine - any piece of equipment, which will examine and tally marked ballots or which will record every vote cast for candidates or measures and will total all votes cast on that equipment.

"No Excuse" Absentee Voting - allows the voter to vote for a period prior to all elections according to the provisions of this ordinance. The voter is not required to list an excuse for voting absentee.

#### CERTIFICATION

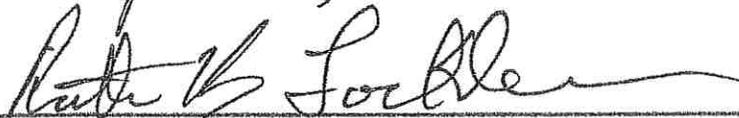
THIS ORDINANCE ADOPTED THIS THE 21 DAY OF May, 2005  
AT A MEETING OF TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH  
CAROLINA BY A VOTE OF 17 FOR, 2 AGAINST.

  
Secretary of the Tribal Council of the Lumbee Tribe of North Carolina

  
Tribal Chairman of the Lumbee Tribe of North Carolina

#### POSTING

This Ordinance duly posted in the Office of the Lumbee Tribe of North Carolina on this the 22 day of June, 2005.

A handwritten signature in cursive script, reading "Ruth B. Locklear", written over a horizontal line.

Ruth B. Locklear, Tribal Clerk

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2010-0318-01

MARCH 18, 2010

PROPOSED AMENDMENT

JULY 20, 2017

“AN ACT TO GOVERN THE LUMBEE TRIBE DISCLOSURE ORDINANCE”

SECTION 3: ACCESS TO TRIBAL RECORDS

1. This Ordinance shall apply to all operation and activities of the Lumbee Tribe of North Carolina, including, without limitation, all entities, committees, agencies, enterprises, and associations established or otherwise authorized under the Lumbee Constitution or by Tribal Ordinance.

**This ordinance does not apply to the Board of Elections as a constitutionally established “Independent Board”, with the authority to promulgate necessary and appropriate regulations under authority of the Constitution and tribal ordinances governing voter regulation.**

# LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2010-0318-01

MARCH 18, 2010

## **“AN ACT TO GOVERN THE LUMBEE TRIBE DISCLOSURE ORDINANCE”**

**WHEREAS**, The Lumbee Tribe of North Carolina, a recognized Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina and its inherent powers of self-government;

**WHEREAS**, Article VII, Section 1 of the Constitution of the Lumbee Tribe of North Carolina delegates legislative power to enact ordinances to the Tribal Council; and

**WHEREAS**, The Preamble to the Constitution of the Lumbee Tribe of North Carolina states in part that its purpose is for “securing justice and freedom for the Lumbee People, and

**WHEREAS**, Transparency of government process requires a systematic and consistent procedure for the release of information controlled by the government of the Lumbee Tribe of North Carolina, its departments and entities, and

**WHEREAS**, In the interest of establishing a fair and non-political procedure for the release of certain information and for establishing a process to safeguard certain other information, the Tribal Council has directed that a procedure for access to public records is necessary;

**THEREFORE**, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina that this Ordinance shall be cited as **“THE LUMBEE TRIBE DISCLOSURE ORDINANCE.”**

### **SECTION 1: PURPOSES**

The purpose of this Ordinance is to establish a procedure for disclosure of tribal government records. Access to tribal government documents, shall not interfere with tribal government operations or compromise the reasonable confidentiality expectations of tribal members and tribal government in their records and activities. Access to tribal government documents shall not jeopardize the government, business or legal activities of the Tribe. Further, access to tribal government records will not be allowed where access is otherwise restricted by applicable tribal, federal or state law. The policy that will guide application and interpretation of the Ordinance is that tribal members generally have an interest in access to tribal documents that affect them, or that involve general tribal government activities, nothing in this ordinance shall be interpreted to prevent the lawful enforcement of other Tribal laws or to authorize the withholding of information from the Tribal Council. Non-members have an interest in access to tribal documents and records only as required by law, or as delineated in Section 8 of this Ordinance.

### **SECTION 2: DEFINITIONS:**

- (a) The term “direct costs” means expenditures that the Tribe actually incurs in searching for and duplicating documents to respond to a request. Direct cost include, for example, the salary of the employee performing the work and the cost of operating duplicating machinery;
- (b) The term “search” includes all time spent looking for material that is responsive to a request, including a line-by-line or page-by-page identification of material within documents;

- (c) The term "duplication" refers to the process of making a copy of the document necessary to respond to a request;
- (d) The term "review" refers to the process of examining documents located in response to a request to determine whether any portion of any document located is permitted to be withheld;
- (e) The term "active member" shall mean any Indian person actively enrolled in the Lumbee Tribe, or holder of a certificate of eligibility for enrollment;
- (f) The term "inactive member" shall mean any member whose voting rights have been suspended and/or deemed ineligible for services.
- (g) The term "non-member" Indian" shall mean any Indian person who is not enrolled and not eligible for enrollment in the Lumbee Tribe, but is a direct descendant of a tribal member;
- (h) The term "non-member" shall mean any person who is not enrolled and not eligible for enrollment in the Lumbee Tribe;
- (i) The term "non-tribal" shall mean any agency, organization or office other than the Lumbee Tribe;
- (j) The term "Tribal Administrator", as defined by the Constitution of the Lumbee Tribe of North Carolina, receives the request for information listed in Section 5.2 under this Ordinance;
- (k) The term "requestor" means the Tribal Member that challenges the denial of a written request for records or the information under this ordinance;
- (l) The term "Public" means Tribal Members as a group;
- (l) "Records" means all books, papers, maps, photographs, or other documentary materials, regardless of the physical form or characteristics, including any electronic media and documents that were made, sent, or received in the course of conducting the governmental business of the Lumbee Tribe.

### **SECTION 3: ACCESS TO TRIBAL RECORDS**

1. This Ordinance shall apply to all operation and activities of the Lumbee Tribe of North Carolina, including, without limitation, all entities, committees, agencies, enterprises, and associations established or otherwise authorized under the Lumbee Constitution or by Tribal Ordinance.
2. The Tribe, in accordance with its published procedures, shall make available for inspection, review, and copying Tribal records in any form, including:
  - a. final opinions made in the adjudication of cases;
  - b. those resolutions, enactments and statements of policy and final actions which have been adopted by the Tribe;
  - C. administrative tribal manuals that affect a member of the public;

3. To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Tribe may delete identifying details when it makes available or publishes any record.
4. Each department or entity, upon a written request for records which describes the requested records in a reasonably specific manner and upon compliance of the requestor within Section 3G, (concerning the fees and established procedure), shall make records available to any tribal member.
5. A tribal member may review any of the following items from the Tribe or from any tribal program:
  - a. Any audit, business record, financial report, or monthly expenditure report which has been prepared by the Tribe or by any tribal program.
  - b. Progress reports or letters which are submitted to the Tribe or by the Tribe to any State or Federal agency.
  - c. Any report or letter which has been received by the Tribal Council and which describes the financial condition or the status of any tribal program.
  - d. Any employment contract between the Tribe, tribal program, and any person.
  - e. Any consulting contract between the Tribe and any consultant or attorney.
  - f. All drafts, proposed documents, or other documents yet to be enacted may be reviewed in the appropriate tribal office.
  - g. Completed reports or final actions may be copied at a rate of \$1.00 per page.

#### **SECTION 4: LUMBEE TRIBAL ORDINANCES**

1. Tribal ordinances governing the Lumbee Tribe are not considered records for purposes of access under this Ordinance but are considered to be public records that shall be accessible to Lumbee Tribal enrolled members. Persons that are not Lumbee Tribal enrolled members shall have access to Lumbee Tribal Ordinances unless access to a specific ordinance is restricted by the Tribal Council and the lack of access would not adversely affect the rights or substantial interest of such persons.

#### **SECTION 5: REQUEST PROCEDURES**

1. All requests to review information must be submitted to the Tribal Administrator in writing or, in the absence of the Tribal Administrator, to a representative designated by the Tribal Administrator. Requests must articulate with specificity the information being sought.
2. The Tribal Administrator shall confirm that the person requesting the information is a tribal member.
  - a. The Tribal Administrator shall within three (3) business days send a written request to the Tribal Clerk for a certification that the requesting party is an active member in good standing with the Lumbee Tribe of North Carolina.
  - b. Within two (2) business days, the Tribal Clerk shall provide a written certification of the requesting party's enrollment status.
3. Within two (2) business days of receipt of the certification from the Tribal Clerk, the Tribal Administrator shall consult with the program director prior to making a determination on the requested information. Within five (5) business days the Tribal Administrator shall issue a written determination on the request.
4. In reaching his/her determination, the Tribal Administrator shall favor disclosure.
5. In the event that the Tribal Administrator determines, within the scope of this ordinance, that some or all of the requested information should be released the Tribal Administrator shall direct, in writing, the requests to the appropriate program director with instructions concerning which information is to be released. Copies of the determination shall be provided to the requesting tribal member.

6. In the event that the Tribal Administrator determines that the information should not be released then, within five (5) business days, the Tribal Administrator shall inform the requesting tribal member in writing that their request is denied and shall state the basis for the denial.
7. Information may be viewed during regular business hours. Appointments to view information shall be made with the approval of the program director. Opportunities to view the requested information shall be made within fifteen (15) business days of the date that the Tribal Administrator makes a determination on a request. Tribal members may not be accompanied by a non-tribal member when viewing documents, except in the case where the non-tribal person is legal counsel representing the tribal member in a legal matter making the requested document relevant to that action.
8. Copies of requested information shall be provided within fifteen (15) days of the date of the requesting party's appointment to view and inspect the documents.
9. The Tribal Administrator has the authority to waive the recertification procedures outlined in sub-section 2 of this section upon proof of enrollment.
10. Issuing notice of extension in a timely manner not to exceed six (6) months which the Tribe shall respond to the request. In unusual circumstances, the Tribe will set forth the reason for such extension. As used in this subparagraph, an unusual circumstance means, but is not limited to:
  - a. The need to search for and collect the requested records from facilities or other location established that are separated from the office processing the request;
  - b. The need to search for , collect, or appropriately examine a voluminous amount of records which is demanded in a single request; or
  - c. The need for consultation among two or more components of the Tribe having a substantial interest in the determination of the request.

## SECTION 6: EXCEPTIONS

1. This Ordinance shall not directly or indirectly apply to records that are:
  - a. Related solely to internal rules and practices of the Tribe and tribal divisions;
  - b. Trade secrets of the Tribe, including active business documents; financial statements and bid packages, which could jeopardize the competition position of the Tribe or Tribal Contractor;
  - c. Records of investigation compiled for law enforcement purposes performed by any agent of the Tribe, State or Federal Government, except when non-disclosure of such information would deprive a person of a fair trial;
  - d. Personnel, medical enrollment, and any other similar records, which would constitute a clearly unwarranted invasion of personal privacy;
  - e. Intertribal memos, internal records, letters or draft materials not yet final and not approved for public release;
  - f. Disclosed to only those officers, employees and agents of the Tribe who have a need for the record in the performance of their duties;
  - g. Materials created by, or at the request of legal counsel, in preparation for, or in anticipation of, litigation or otherwise protected by the attorney-client privilege or attorney work product doctrine;
  - h. Created or governed by a confidentiality agreement entered into by a representative or agent of the Lumbee Tribe; or
  - i. Disclosed pursuant to a valid court order.
  - j. Protected by confidentiality that is created and mandated by tribal, federal or state law.

## SECTION 7: APPEALS STANDARD

1. On complaint, by the requestor, or the tribal program director to whom the request is directed, the Administrative Court shall have jurisdiction to decide the lawfulness of withholding a properly requested

record. The Court shall also have jurisdiction to order the production of any record improperly withheld from the requesting party, or deny the production in whole or in part on the complaint of the program director. In such cases the court shall apply a *de novo* standard of review in determining the matter, and may examine the contents of the record *in camera* to determine whether such records shall be withheld or produced.

2. If the Administrative Court concludes that the necessary findings of fact supporting the Tribal Administrator's decision are not supported by reasonable evidence or that the conclusions of law are incorrect, it shall so declare and remand the matter to the Tribal Administrator with instructions from the Court.
3. The Administrative Court shall give deference to the reasonable interpretation and application of this ordinance by the Tribal Administrator.

## **SECTION 8: NON-MEMBER(S) REQUEST(S)**

1. Non-members may submit a written request for records to the Tribal Administrator that reasonably describes the records sought. The request should provide the name, address, and telephone number of the person requesting the information and shall include an original signature. The request must also identify the specific reason(s) for requesting the records and shall indicate whether the request is in the interest of the Non-member public as determined by whether the principal purpose of the request is personal or commercial benefit or to access and disseminate information regarding the health, safety, and welfare of the Non-member public or other rights and interests of the Non-member public. Non-members shall sign an agreement with the Tribe, executable in a court of competent jurisdiction that if the produced documents are used for a purpose other than that described in the request, the Non-member Requestor shall pay to the Lumbee Tribe incidental and consequential damages of not less than One Hundred Thousand and No/100 Dollars (\$100,000.00). The Non-member Requestor must further agree to pay the legal fees incurred by the Tribe in the enforcement of this agreement of not less than fifteen percent (15%) of damages awarded, as well as any applicable court costs.
2. Upon the receipt of a request for access to records the Tribal Administrator shall consult with the Tribal Chairperson and Tribal Council and respond to the request within fifteen (15) business days.
3. All decisions are final. Non-Members have no right of appeal.
4. Enrollment Records of all Inactive Members shall be afforded a reasonable opportunity to review the Lumbee Tribe's SOURCE DOCUMENTS, 1900 Base Roll, for the purpose of determining eligibility.

## **SECTION 9: PRESS REQUESTS**

1. Press members may submit a written request for records to the Tribal Administrator that reasonably describes the records sought. The request should provide the name, address, and telephone number of the person requesting the information and shall include an original signature. The request must also identify the specific reason(s) for requesting the records and shall indicate whether the request is in the interest of the Tribe. The request must also identify the specific reason(s) for requesting the records and whether the principal purpose of the request is personal or commercial benefit. Members of the Press shall sign an agreement with the Tribe, executable in a court of competent jurisdiction that if the produced documents are used for a purpose other than that described in the request, the Member of the Press shall pay to the Lumbee Tribe incidental and consequential damages of not less than One Hundred Thousand and No/100 Dollars (\$100,000.00). The Member of the Press must further agree to pay the legal fees incurred by the Tribe in the enforcement of this agreement of not less than fifteen percent (15%) of damages awarded, as well as any applicable court costs.

## SECTION 10: FEES TO BE CHARGED

1. The Tribe will charge fees that recoup the full allowable direct costs it incurs in responding to non-member or non-tribal requests, unless otherwise provided by the Tribal Council or Tribal Council approved regulations. Such fees may be as follows:
  - a. Manual search for records. The Tribe will charge at the salary rate of the employee(s) making the search;
  - b. Computer search for records. The Tribe will charge the actual direct cost of providing the service;
  - c. Review of Records - The Tribe will charge at the salary rate of the employee(s) conducting the review of records to determine if any of the records may be withheld;
  - d. Duplication of Records - The Tribe will charge for duplication of records per page at the rate set by the Tribal Chairperson and Tribal Council; provided, that minimal duplication charges may be waived upon a showing of good cause. This rate shall be \$2.00 per page until such time as an ordinance is passed by the Tribe setting the rate. The rate shall continue year to year if the rate is not addressed annually by the Tribe.
  - e. Waiver or Reduction - The Tribe will determine that fulfilling the request would be in the public interest, the fee shall be waived or reduced in the furtherance of the purpose of this Ordinance. In determining whether the request is in the public interest the Tribal Chairperson and Tribal Council shall consider whether the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare of the public or other rights and interests of the public and the principal purpose of the request is not for personal or commercial benefit.
2. All fees generated by the implementation of this ordinance shall be set aside in the annual budget in a line item designated for an academic scholarship program.

CERTIFICATION

THIS CLLO-2010-0318-01 "AN ACT TO GOVERN THE LUMBEE TRIBE DISCLOSURE ORDINANCE", ADOPTED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 21 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 18TH DAY OF MARCH, 2010 BY A VOTE OF 21 FOR, 0 AGAINST, 0 ABSTENTION(S).

*Ricky Burnett*

*3-18-10*

ATTEST: RICKY BURNETT  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Date

*Linda Revels*

*3-18-10*

ATTEST: LINDA REVELS  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

Date

*Purnell Swett*

*4-21-10*

Purnell Swett  
Chairman, Lumbee Tribe of North Carolina

Date

POSTING

This CLLO-2010-0318-01 "AN ACT TO GOVERN THE LUMBEE TRIBE DISCLOSURE ORDINANCE", duly posted on this the 24<sup>th</sup> day of March, 2010.

*Ruth B. Locklear*

*3-24-2010*

ATTEST: RUTH B. LOCKLEAR  
Tribal Clerk, Lumbee Tribe of North Carolina

Date

*Ordinance rec'd 3/24/10 by Ruth B. Locklear*

ROLL CALL VOTE RESULTS TO ADOPT

CLLO-2010-0318-01

**"AN ACT TO GOVERN THE LUMBEE TRIBE DISCLOSURE ORDINANCE"**

21 FOR, 0 AGAINST, 0 ABSTENTION(S)

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Laura B. Sampson	YES
	Pam Spaulding	YES
District 4:	Helen H. Locklear	YES
District 5:	Kernice Lee Locklear	YES
	Charles Bullard	YES
District 6:	James Deese	YES
	Larry Anthony Chavis	YES
District 7:	Robert Chavis	YES
	James Harold Locklear	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	YES
District 10:	Terry Collins	YES
District 11:	Linda Revels	YES
District 12:	Furnie Lambert Jr.	YES
	Shelley Strickland	YES
District 13:	Ricky Burnett	YES
District 14:	Homer Fields	YES



JULY 20, 2017

EDUCATION

# LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2017-0720--04

Date: July 20, 2017

## “ESTABLISHMENT OF AN EDUCATIONAL SCHOLARSHIP FUND”

WHEREAS, The Lumbee Tribe of North Carolina (“Lumbee Tribe”) is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina (“Tribal Constitution”) and its inherent powers and self-government, and;

WHEREAS, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina (“Tribal Council”), and;

WHEREAS, The Tribal Council of the Lumbee Tribe of North Carolina has an Education, Cultural and Public Relations Committee; and,

WHEREAS, This committee seeks to establish a Lumbee Tribal Educational Scholarship Fund to assist tribal members through scholarships in their efforts to assist in the finances of their education, and;

WHEREAS, The Tribal Administration will assist in the creation of a separate tax identification number, checking account with banking transactions, a webpage on the tribal website regarding the scholarship fund, disperse a standard letter to solicit donations, and;

WHEREAS, The Education, Cultural and Public Relations Committee of the Tribal Council will establish a five (5) person committee to oversee the process of collecting applications and the receiving and dispersing funds to applicants.

THEREFORE, be it resolved, the Tribal Council of the Lumbee Tribe of North Carolina does hereby support the establishment of an Educational Scholarship Foundation with the assistance of the Tribal Administration.



JULY 20, 2017

HEALTH  
AND  
HUMAN SERVICES

# LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2017-0720-05

DATE: JULY 20, 2017

## “AMERICAN INDIAN COLORECTAL SCREENING PROJECT”

**WHEREAS**, The Lumbee Tribe of North Carolina (“Lumbee Tribe”) is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina (“Tribal Constitution”) and its inherent powers and self-government, and;

**WHEREAS**, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina (“Tribal Council”), and;

**WHEREAS**, the Tribal Council created a Health Committee consisting of 7 Council members to promote the health and well-being of the Lumbee people, and to address the health disparities among the Lumbee people;

**WHEREAS**, this project will promote colorectal screening in the America Indian communities in NC through basic health education, and produce a health video with Lumbee actors to promote screenings to prevent colorectal cancer.

**THEREFORE**, be it resolved, the Tribal Council of the Lumbee Tribe of North Carolina does hereby support the **UNC Chapel Hill School of Public Health’s “American Indian Colorectal Screening Project”**, and all the activities contained within this project.

## CERTIFICATION

THIS CLLR-2017-0720-05 “**AMERICAN INDIAN COLORECTAL SCREENING PROJECT**”, ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE \_\_\_\_ MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 20<sup>TH</sup> DAY OF JULY, 2017 BY A VOTE OF \_\_\_\_ YES, \_\_\_\_ NO, AND \_\_\_\_ ABSTENTION(S).

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ATTEST: BOBBY OXENDINE

Speaker, Tribal Council of the Lumbee Tribe of North Carolina

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ATTEST: JAN LOWERY

Secretary, Tribal Council of the Lumbee Tribe of North Carolina



JULY 20, 2017

ETHICS

# LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2017-0720-06

DATE: JULY 20, 2017

## "SANCTION"

**WHEREAS**, The Lumbee Tribe of North Carolina ("Lumbee Tribe") is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina ("Tribal Constitution") and its inherent powers and self-government, and;

**WHEREAS**, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina ("Tribal Council"), and;

**WHEREAS**, Ordinance No. 2005-008 Amended CLLO-2010-0312-01 "Ethics and Conflicts of Interest" was duly adopted by the Tribal Council of the Lumbee Tribe of North Carolina and signed by the Tribal Chairman into law, and;

**WHEREAS**, Ordinance No. 2005-008 Amended CLLO-2010-0312-01 "Ethics and Conflicts of Interest" creates a standing Ethics Committee, outlines the procedures for dealing with alleged ethical violations by Council members, and outlines sanctions for any violation, and;

**WHEREAS**, The Lumbee Tribal Council Standing Ethics Committee has received a formal ethics complaint against Tribal Councilman Alton Locklear, Jr., completed an investigation of the complaint, and finds that Councilman Locklear is guilty of said violation(s), and;

**THEREFORE**, be it resolved, the Tribal Council of the Lumbee Tribe of North Carolina hereby removes Councilman Locklear from all currently held positions, committee assignments, and appointments made by Lumbee Tribe or Lumbee Tribal Council, furthermore Councilman Locklear will not be eligible to attend any conferences as a representative of the Lumbee Tribe or Tribal Council for the remainder of his term.

## CERTIFICATION

THIS "**SANCTION**" **CLLR-2017-0720-06**, ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE \_\_\_\_\_ MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 20<sup>TH</sup> DAY OF JULY, 2017 BY A VOTE OF \_\_\_\_\_ YES \_\_\_\_\_ NO, AND \_\_\_\_\_ ABSTENTION(S).

---

ATTEST: Bobby Oxendine  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

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ATTEST: Jan Lowery  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

# LUMBEE TRIBE OF NORTH CAROLINA

ORDINANCE NO. 2005-008  
AMENDED CLLO-2010-0312-01

DATE: November 17, 2005  
March 12, 2010

**WHEREAS**, The Lumbee Tribe of North Carolina, a recognized Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina and its inherent powers of self-government; and

**WHEREAS**, Article VII, Section 1 of the Constitution of the Lumbee Tribe of North Carolina delegates all legislative authority to the Tribal Council; and

**WHEREAS**, Article XI, Section 2 of the Constitution of the Lumbee Tribe of North Carolina states the first Tribal Council elected under this Constitution shall adopt an ordinance proscribing conflicts of interests in the performance of duties by elected and appointed tribal officials, and which ordinance shall require a tribal official to recuse him or herself from any decision or vote affecting his or her pecuniary interest or that of a family member.

**WHEREAS**, the Council has determined that the Ethics and Conflict of Interest Ordinance shall guide the actions of all persons who has a relationship with the Tribal Government and provide guidance for conducting business, protect the interests of Tribal members and protect the reputation and integrity of Tribal government.

**THEREFORE**, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance that shall be cited as "**ETHICS AND CONFLICT OF INTEREST.**"

## SECTION 1: ETHICS IN PERFORMANCE OF DUTY

1. The Tribal Chairperson, Council member, officer, appointee, employee or any person or entity that provides contractual services:
  - a. Shall not use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, any other public servant, or other person with anything of economic value.
  - b. Shall not use information that is gained in the execution of his or her office or employment that is not available to the general public to further or seek to further the person's private or personal interest
  - c. Shall not use his or her office or employment to further private or personal interest by seeking to influence a decision that is made by another person,
    - i. Elected and appointed members of the Legislative Branch and the tribal chairperson shall not be eligible for employment with the Lumbee Tribe within two years of the end of their service.

- d. Shall not accept a fee, gift or personal benefit, except compensation authorized by tribal law, that is connected directly or indirectly with the performance of his or her duties of office or employment,
- e. Shall not use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person to engage in political activity.
- f. Shall not disclose or use confidential information or information concerning economic development, perspective grants, or technology research or development which was received in his or her official tribal government capacity to further his or her personal or pecuniary interests.
  - i. Anyone entrusted with Tribal funds or equipment for carrying out Tribal business shall be subject to the following requirements and procedures, in order to provide a uniform system and to avoid actual or apparent impropriety.
    - 1. Held personally accountable and liable for Tribal monies entrusted to their control in performance of official Tribal duties.
    - 2. Tribal funds withdrawn for specific authorized purposes by anyone shall be used for those specific purposes only.
    - 3. In all cases, Tribal funds not expended for authorized purposes must be repaid by the responsible person within seven (7) working days after the date on which such funds were to have been expended.
    - 4. A person shall be held personally accountable and liable for all equipment entrusted to them in the performance of Tribal business, if damages occur, due to negligence or recklessness.
    - 5. A person shall not use, or authorize the use of, tribally owned or leased vehicles or equipment and other transportation equipment for purposes other than those officially authorized.

## **SECTION 2: CONFLICT OF INTEREST IN PERFORMANCE OF DUTY**

- 1. A person as identified in Section 1 must not exercise an official power or perform an official duty or function if the person has a conflict of interest or an apparent conflict of interest.
- 2. A person as identified in Section 1 who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the Lumbee Tribal Government or any committee, shall:
  - a. Upon knowledge of the conflict by any written or oral communication, disclose the general nature of the conflict of interest according to the laws of the Tribal Government and/or any funding agency involved.

- b. Withdraw from any meeting or discussion if he or she becomes knowledgeable that a conflict exists and shall not vote or participate in the discussion or consideration of the matter. If a person withdraws or recuses him or herself from the meeting because of a conflict of interest, he or she is still counted for purposes of a quorum, except in the matter of a Tribal Council meeting.
3. If anyone withdraws from discussion because of a conflict of interest, a written record shall be made that includes the withdrawal of the person from the meeting and that a conflict of interest was discussed.
4. A person or entity as identified in Section 1 should not represent the interests of a third party who has an actual or potentially adversarial relationship with the Lumbee Tribe (i.e. as legal counsel, trustee, general agent or consultant)
5. A person or entity as identified in Section 1 shall not work for, be an agent or consultant of any entity that competes for the same contracts, grants, and/or services as the Lumbee Tribe of North Carolina without prior approval of a two-thirds vote of the Tribal Council.
6. A Judge shall not be qualified to act as such in any case where she/ he has any direct interest, or where any party involved in the case is a relative by marriage or blood in the first or second degree.
7. A Judge may be disqualified to act in any case upon his/ her own motion.

### **SECTION 3: CONFLICT OF INTEREST IN PUBLIC CONTRACTING FOR SERVICES AND GOODS**

1. A person or entity shall not seek to induce the Tribal Chairperson, Tribal Council, officer, appointee or employee to procure goods and/or services from the spouse or family member or from the client or principal of the Tribal Chairman, Council member, officer, or employee.
2. The following shall be considered conflict of interest relationships in contracting for bids and services:
  - a. An employee, officer or agent involved in making the award
  - b. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepson, stepdaughter, stepsister, half brother, and half sister) and any spousal relationship
  - c. His/her partner or
  - d. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment or any of the above.

#### **SECTION 4: JUDGMENT OF CONFLICT OF INTEREST**

A conflict of interest exists if there is substantial interest by the person or entity identified in Section 1 and shall be judged by the following:

1. Ownership by a person, or by the person's spouse or dependent child, collectively, including ownership as the beneficiary of a trust, of an interest or 10% or more in a business entity,
2. Annual income, or expected annual income, by the person or by the person's spouse (or relationship) or dependent child, collectively, or more than \$5,000 from a business entity. Annual includes earned income only if the person, or the person's spouse or dependent child, will receive a bonus, commission or other payment in any amount directly as a result of a contract with or purchase by the Lumbee Tribal Government. Income does not include income from capital gains.
3. Service by the person or the person's spouse or spousal relationship or dependent child, as an officer, trustee, director or employee of a business entity except that uncompensated service as a director, officer, or trustee of a not-for-profit corporation is not a substantial interest.

#### **SECTION 5: PROCEDURES TO HANDLE CONFLICT OF INTEREST AND ETHICS VIOLATION**

1. To file a complaint, a person must have reasonable grounds to believe that an individual or entity as listed in Section 1 (excluding employee) is in violation of this Ordinance and shall:
  - a. In writing, state the grounds for the belief and the nature of the alleged violation and present the written statement to the Chairperson of the Ethics Committee, and may choose to present the complaint to all members of the Ethics Committee.
    - i. Any person, including member, who has reasonable grounds to believe that an employee is in violation of this Ordinance shall follow the employee policy handbook to report the employee's violation.
    - ii. Any interested party can file an affidavit setting forth facts establishing, by reason of bias or prejudice of the Judge to whom the case is assigned, that the party cannot have a fair trial. Such affidavit shall be filed not later than ten (10) days before the trial, addressed directly to the judiciary at which time the Supreme Court Judicial Code of Ethics shall be applied.
  - b. The Chairperson of the Ethics Committee shall convene a meeting within ten (10) days of receiving the complaint in order to consider the information.
  - c. If the Chairperson of the Ethics Committee fails or is unable to convene a meeting, the Vice Chair of the Committee shall convene a meeting within ten (10) days of becoming aware of the need to convene a meeting.

- d. The alleged violator is to be notified within five (5) business days, and may be present at any committee meeting that is convened to hear the facts on the allegation, to provide facts or arguments that he or she did not violate this Ordinance. The complainant, (accuser) shall be required to be present at any hearing convened for hearing his or her complaint.
  - e. At the next scheduled Council meeting or at a special called meeting, the Committee shall render an opinion to the Tribal Council regarding the compliance of the person with the provisions of this Ordinance.
  - f. The Council shall render a determination in writing in five (5) business days, including its evidentiary findings, which must be approved by a simple majority of the Council members voting and in which any accused Council Member shall not vote in this determination.
2. If the Ethics Committee fails to convene a meeting to hear the complaint, a person can take the complaint to any lower court with jurisdiction, and may be appealed to the Supreme Court.

## **SECTION 6: SANCTIONS**

1. Any person identified in Section 1 (excluding employee) found guilty of violating this Ordinance shall be notified in writing by the Speaker of the Tribal Council of the findings and the sanctions which may be one or more of the following actions:
  - a. To reprimand or censure the person in writing which shall be a part of the official minutes.
  - b. To prohibit the person from holding any further committee or assignments of office or authority.
  - c. To remove the person from any position or office held in accordance with the Constitution and any Ordinance on removal of members.
2. If the findings show that the Tribal Chairman has violated this Ordinance, the Tribal Chairman may be subject to the same sanctions.
3. If the Tribal Chairman finds that the Tribal Administrator or an employee has violated this Ordinance, the Tribal Chairman shall report the violation to the Tribal Council. The Tribal Administration shall report any violation of this Ordinance by an employee to the Tribal Chairman.
4. The Chairperson and Tribal Council may use the same sanctions (a – c), (Section 6), or remove the Tribal Administrator, as they deem appropriate.
5. An employee, with the exception of the Tribal Administrator, violating this Ordinance shall be subject to disciplinary action by the Tribal Administrator, which may include immediate termination of employment if circumstances warrant, provided, however,

- a. If the Tribal Administrator violates the prohibitions set out under this section, he or she shall be subject to disciplinary action by the Tribal Chairperson and Council, which may include immediate termination of employment if circumstances warrant.
- b. Employees disciplined according to this section shall have recourse to the grievance procedures set out in the Personnel Manual.
- c. If the person, including member, is not satisfied with the decision rendered regarding the employee's violation, then he or she can appeal to the judiciary system.

## **SECTION 7: ESTABLISHMENT OF THE ETHICS COMMITTEE AS A STANDING COMMITTEE**

This Ordinance establishes the Ethics Committee as a Standing Committee that shall follow the guidelines for all committees established by the Tribal Council.

## **SECTION 8: ACTIVITIES ON BEHALF OF CONSTITUENTS**

This Ordinance does not prohibit the activities in which members normally engage on behalf of constituents.

### **Definitions:**

**Conflict of Interest** - A member has a conflict of interest when the member exercises an official power or performs an official duty or function in the execution of his or her office and at the same time knows that in the performance of the duty or function or in the exercise of the power there is the opportunity to further his or her private and/or personal interest.

**Apparent Conflict of Interest** - A member has an apparent conflict of interest if there is a reasonable perception, which a reasonably well informed person could properly have, that the member's ability to exercise an official power or perform an official duty or function must have been (or can be) affected by his or her private and/or personal interest.

**Ethics Committee** - A Committee of tribal council members who shall be responsible for the designated task written in this Ordinance along with any other responsibility established by the Tribal Government.

**Political Activity** - an effort to support or oppose the election or appointment of a person for political office in an election or appointment.

**Spouse** - a person who is married to a member or a person who is living with a member as husband and wife but does not include a husband or a wife who is separated and living apart from a member and who

1. Has entered into a written agreement under which they have agreed to live apart, or
2. Is subject to an order of the court recognizing the separation, and whose agreement or court order shall not be affected by any action between the spouse and the member

**Child** - includes a person to whom a member has demonstrated a settled intention to treat as a child of his or her family

Spousal Relationship - although not married, male and female living, as husband and wife

Officer/official/representative of the tribe - the person elected, appointed, or employed  
Service – the end of a term or upon resignation

Interested Party – plaintiff, defendant, any other person having standing

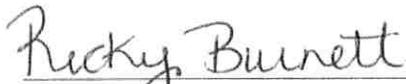
Private interest - does not include an interest arising from the exercise of an official power or the performance of an official duty or function that

1. Applies to the general public,
2. Affects a member as one of a broad class of electors, or
3. Concerns the remuneration and benefits of a member or an office or employee.

Ethics - in this context is that contained in Black's Law Dictionary: "professionally right or befitting; conforming to professional standards of conduct."

CERTIFICATION

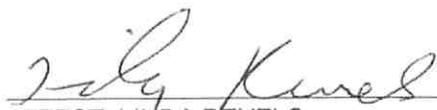
THIS CLLO-2010-0312-01 "ETHICS AND CONFLICT OF INTEREST ORDINANCE", ADOPTED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 21 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 12TH DAY OF MARCH, 2010 BY A VOTE OF 21 FOR, 0 AGAINST, 0 ABSTENTION(S).



ATTEST: RICKY BURNETT  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

3-12-10

Date



ATTEST: LINDA REVELS  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

3-12-10

Date



PURNELL SWETT  
Chairman, Lumbee Tribe of North Carolina

4-2-10

Date

POSTING

This CLLO-2010-0312-01 "ETHICS AND CONFLICT OF INTEREST ORDINANCE", duly posted on this the 24<sup>th</sup> day of March, 2010.



ATTEST: RUTH B. LOCKLEAR  
Tribal Clerk, Lumbee Tribe of North Carolina

3-24-10

Date

ROLL CALL VOTE RESULTS TO ADOPT

CLLO-2010-0312-01  
"ETHICS AND CONFLICT OF INTEREST ORDINANCE"

21 FOR, 0 AGAINST, 0 ABSTENTION(S)

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Laura B. Sampson	YES
	Pam Spaulding	YES
District 4:	Helen H. Locklear	YES
District 5:	Kernice Lee Locklear	YES
	Charles Bullard	YES
District 6:	James Deese	YES
	Larry Anthony Chavis	YES
District 7:	Robert Chavis	YES
	James Harold Locklear	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	YES
District 10:	Terry Collins	YES
District 11:	Linda Revels	YES
District 12:	Furnie Lambert Jr.	YES
	Shelley Strickland	YES
District 13:	Ricky Burnett	YES
District 14:	Homer Fields	YES



JULY 20, 2017

MISCELLANEOUS



# Lumbee Tribal Council July 2017



Sun	Mon	Tue	Wed	Thu	Fri	Sat	
2	3	4	5	6	7	8	
	Senior Miss Lumbee Pageant 6:00pm.	Office Closed 	LRDA Elders Luncheon -12:00 Little & Junior Miss Pageant 6:30pm		State of the Tribe Address Pembroke Boys & Girls Club 12:00 – 2:00pm. Teen & Miss Lumbee Pageant 6:30pm.		
9	10	11	12	13	14	15	
	Ethics 6:30pm Constitution & Ordinance 7:30pm.	Housing 6:30pm. Finance 7:30pm. Health & Human Services 8:30pm.					
16	17	18	19	20	21	22	
	Budget Hearing 6:30pm. Tribal Complex			Tribal Council Business Meeting @ 6:30 pm Tribal Complex			
23	24	25	26	27	28	29	
30	31	Notes: Lumbee Fireworks Sky Show - 9:00 pm. (LRDA Office Complex)					



# Lumbee Tribal Council



## August 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17 Tribal Council Business Meeting @ 6:30 pm Tribal Complex	18	19
20	21	22	23	24	25	26
27	28	29	30	31		