

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2019-0919-06

VETO

DATE: SEPTEMBER 19, 2019

“DEFUNDING OF THE DISTRICT 5 DREAM CATCHER PROJECT COMMUNITY”

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 has the fiduciary authority to approve, enact or amend the annual fiscal budget; and;

WHEREAS, CLLR-2009-0416-04 states that the Tribal Council of the LTNC does support and agree to allow Tribal Administration to begin the process of purchasing one tract of land for the establishment of a community center and Boys and Girls Club in District 5, pending HUD Approval; and;

WHEREAS, The Tribal Membership of District 5, in their inherent right of self-determination, has expressed their opposition to the establishment of a Dream Catcher Project Community in District 5; and;

WHEREAS, The Tribal Council has the authority and responsibility to preserve and protect for all time the quality of the Lumbee way of life in District 5;

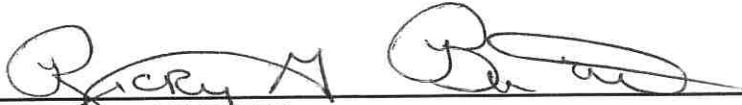
THEREFORE, Be it enacted by the Tribal Council of the LTNC the following ordinance shall be cited as the “**Defunding of the District 5 Dream Catcher Project Community**”; and;

THEREFORE, Be it further enacted that any future attempts to establish a Dream Catcher Project Community or any other housing based projects in District 5 shall be prohibited without the express knowledge and consent of the Tribal Membership of District 5.

SEC 1: SAVING CLAUSE: IN THE EVENT ANY PHRASE, PROVISION, PART, PARAGRAPH, SECTION OR SUBSECTION OF THIS ORDINANCE IS FOUND, BY THE COURT OF COMPETENT JURISDICTION, TO VIOLATE THE TRIBAL CONSTITUTION LAWS OR ORDINANCES OF THE LTNC, SUCH PHRASE, PROVISION, PART, PARAGRAPH, SECTION OR SUBSECTION SHALL BE CONSIDERED TO STAND ALONE AND THE ENTIRETY OF THE BALANCE TO REMAIN IN FULL AND BINDING FORCE AND EFFECT.

CERTIFICATION

THIS "CLLO-2019-0919-06 "DEFUNDING OF THE DISTRICT 5 DREAM CATCHER PROJECT COMMUNITY", ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 20 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 19TH DAY OF SEPTEMBER, 2019 BY A VOTE OF 12 YES, 8 NO, AND 0 ABSTENTION(S).


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

9/19/19
Date


ATTEST: WENDY MOORE-GRAHAM
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

09/19/19
Date

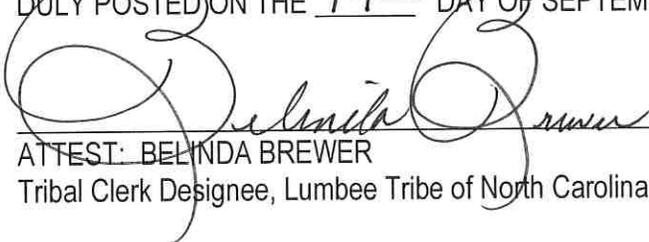
VETO

ATTEST: HARVEY GODWIN, JR.
Chairman, Lumbee Tribe of North Carolina

Date

POSTING

THIS CLLO-2019-0919-06 "DEFUNDING OF THE DISTRICT 5 DREAM CATCHER PROJECT COMMUNITY" DULY POSTED ON THE 19th DAY OF SEPTEMBER 2019.


ATTEST: BELINDA BREWER
Tribal Clerk Designee, Lumbee Tribe of North Carolina



9/19/19
Date



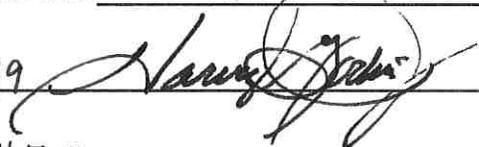
Lumbee Tribe of North Carolina
The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: CLLO-2019-0919-06 "DEFUNDING OF THE DISTRICT 5 DREAM CATCHER PROJECT COMMUNITY"

Posted Date: 09/19/19

Presented to Tribal Chairman for Review: 09-19-19 - VIA EMAIL

Signature or Veto date: 9/27/19 

Reason for Veto: SEE ATTACHED

VETO

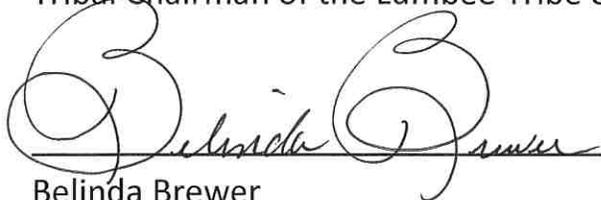
Other: _____

VETO

Harvey Godwin, Jr.

Date

Tribal Chairman of the Lumbee Tribe of North Carolina



Belinda Brewer



Tribal Clerk Designee of the Lumbee Tribe of North Carolina

9/19/19
Date

Pursuant to the power invested in me by Article VII, Section 1(c) of the Lumbee Tribal Constitution, I hereby veto Tribal Ordinance CLLO-2019-0919-01 entitled "DEFUNDING OF THE DISTRICT 5 DREAM CATCHER PROJECT COMMUNITY".

This proposed ordinance violates Article III and Article VIII of the Lumbee Constitution. Article III(3) states the powers delegated to the legislative, executive, and judicial branches "shall be separate and distinct and no branch shall exercise the powers delegated herein to another branch." Article VIII of the Lumbee Constitution grants all executive power to the office of Tribal Chairperson. The proposed ordinance is an attempt to exercise the executive authority that is reserved for the Tribal Chairperson.

ROLL CALL VOTE RESULTS

"CLLO-2019-0919-06 "DEFUNDING OF THE DISTRICT 5 DREAM CATCHER PROJECT COMMUNITY",

ADOPTED SEPTEMBER 19, 2019

12 YES, 8 NO, 0 ABSTENSION(S)

District 1:	Carvicous Barfield	YES
District 2:	Sharon Hunt	YES
	Janie McFarland	YES
District 3:	James B. Hunt	YES
	Vacant	-----
District 4:	Ted Woodell	YES
District 5:	Wendy Moore-Graham	YES
	Jarrod Lowery	YES
District 6:	Larry Chavis	NO
	Douglas Locklear	NO
District 7:	Reginald Oxendine	YES
	Jan Lowery	YES
	Alvin Mercer	NO
District 8:	Corbin Eddings	NO
District 9:	Dewey J McNeill	NO
District 10:	Marshil Locklear	YES
District 11:	Frank Cooper	NO
District 12:	Annie Taylor	YES
	Michael Chavis	YES
District 13:	Ricky Burnett	NO
District 14:	Terry Hunt	NO

CERTIFICATION OF VETO OVERRIDE

THIS VETO OVERRIDE OF **CLLO-2019-0919-06** "DEFUNDING OF THE DISTRICT 5 DREAM CATCHER PROJECT COMMUNITY" WAS CERTIFIED AT A MEETING OF THE 21 MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS 21ST DAY OF NOVEMBER, 2019 BY A VOTE OF 13 FOR, 6 AGAINST, 0 ABSTENTION(S).

ROLL CALL VOTE RESULTS TO ADOPT

CLLO-2019-0919-06 "DEFUNDING OF THE DISTRICT 5 DREAM CATCHER PROJECT COMMUNITY"
13 FOR, 6 AGAINST, 0 ABSTENTION(S)

District 1:	Carvicous Barfield	YES
District 2:	Sharon Hunt	YES
	Janie McFarland	YES
District 3:	James B. Hunt	YES
	Vacant	-----
District 4:	Ted Woodell	YES
District 5:	Wendy Moore-Graham	YES
	Jarrold Lowery	YES
District 6:	Larry Chavis	NO
	Douglas Locklear	YES
District 7:	Reginald Oxendine	YES
	Jan Lowery	YES
	Alvin Mercer	NO
District 8:	Corbin Eddings	ABSENT
District 9:	Dewey J McNeill	NO
District 10:	Marshil Locklear	YES
District 11:	Frank Cooper	NO
District 12:	Annie Taylor	YES
	Michael Chavis	YES
District 13:	Ricky Burnett	NO
District 14:	Terry Hunt	NO



Lumbee Tribe of North Carolina Tribal Council

“Retraction”

After extensive research, the Lumbee Tribal Council Executive Committee comprised of Vice Chair Corbin Eddings, Secretary Wendy Moore-Graham, Treasurer Sharon Hunt and Parliamentarian Larry Chavis (*It should be duly noted that Speaker Ricky Burnett was unavailable due to Lumbee Tribal Federal Recognition business*) and has concluded the Veto Override motion “CLLO-2019-0916-06 Defunding of the District 5 Dream Catcher Project Community” ruled “FAILED” at the November 21, 2019 Tribal Council Business Meeting was made in error. It is further concluded the override motion PASSED upon receiving the required 13 votes of the 19 Tribal Council members present.

As humans we are all prone to error but it was never the intent of the Lumbee Tribal Council to undermine the integrity of the democratic process. We humbly apologize to the Lumbee people and to those impacted tribal members of District 5 for any confusion or division resulting from this action.

Corbin Eddings 12/3/19
Vice Chair, Corbin Eddings Date

Wendy Moore-Graham 12/3/19
Secretary, Wendy Moore- Graham Date

Larry Chavis
Parliamentarian, Larry Chavis Date

Sharon Hunt 12/3/19
Treasurer, Sharon Hunt Date