

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2018-0816-02

VETO

DATE: AUGUST 16, 2018

"EXECUTIVE ORDERS"

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 Legislative Body of the Lumbee Tribe of North Carolina recognizes the authority of the Tribal Chairman as having from time to time the need to issue Executive Orders as policy directives, and;

WHEREAS, The Legislative Body hereby states that such Executive Orders are limited to authority given the Chairman in the constitution and tribal ordinances, and;

WHEREAS, The Legislative Body further states that such Executive Orders are limited to execute managerial policy as it relates to the constitution and tribal ordinances, and;

WHEREAS, The Tribal Council recognizes the authority of the sitting Chairman to issue Executive Orders, and;

THEREFORE, be it enacted in an effort to maintain transparency that all such Executive Orders, to include previously completed Executive Orders, shall be posted on the website of the Lumbee Tribe of North Carolina upon execution.

Certification

THIS **CLLO-2018-0816-02** "EXECUTIVE ORDERS", ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 17 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 16TH AUGUST 2018, BY A VOTE OF 17 YES, 0 NO, AND 0 ABSTENTION(S).

Anita H Blanks 8-16-18
ATTEST: ANITA H BLANKS DATE
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Jan Lowery 8-16-18
ATTEST: JAN LOWERY DATE
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

VETO

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

POSTING

This **CLLO-2018-0816-02** "EXECUTIVE ORDERS" duly posted on this the 16 day of August 2018.

Belinda Brewer 8-16-18
Belinda Brewer DATE
Tribal Clerk Designee of the Lumbee Tribe of North Carolina



ROLL CALL VOTE RESULTS
CLLO-2018-0816-02 "EXECUTIVE ORDERS"
ADOPTED AUGUST 16, 2018
17 YES, 0 NO, 0 ABSTENSION(S)

District 1:	LaKishia Sweat	ABSENT
District 2:	Sharon Hunt	YES
	Janie McFarland	ABSENT
District 3:	James B. Hunt	YES
	Alton Locklear	ABSENT
District 4:	Jonathan Locklear	YES
District 5:	Bobby Oxendine	YES
	Jarrold Lowery	YES
District 6:	Larry Chavis	YES
	Douglas Locklear	YES
District 7:	Reginald Oxendine	YES
	Jan Lowery	YES
	Alvin Mercer	YES
District 8:	Corbin Eddings	YES
District 9:	Anita Hammonds Blanks	YES
District 10:	Janet Locklear	YES
District 11:	Frank Cooper	YES
District 12:	Annie Taylor	YES
	Michael Chavis	ABSENT
District 13:	Ricky Burnett	YES
District 14:	Barbara Lowery	YES



Lumbee Tribe of North Carolina
The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: CLLO-2018-0816-01 "EXECUTIVE ORDERS"

Posted Date: 8/16/18

Presented to Tribal Chairman for Review: 8-16-18 VIA EMAIL

Signature or Veto date: *Harvey Godwin, Jr.*

Reason for Veto: _____

See Attached

Other: _____

VETO

Harvey Godwin, Jr.
Tribal Chairman of the Lumbee Tribe of North Carolina

8/28/18
Date

Belinda Brewer
Belinda Brewer



Tribal Clerk Designee of the Lumbee Tribe of North Carolina

8/28/18
Date

Pursuant to the power vested in me by Article VII, Section 1(c) of the Lumbee Tribal Constitution, I hereby veto Tribal Ordinance CLLO-2018-0816-02 entitled "Executive Orders".

This proposed ordinance as written violates Article III 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." The Lumbee Constitution in Article VII grants the Tribal Council the "legislative power" and the power to adopt "rules and regulations governing the Tribal Council's procedure and decorum". The Constitution does not give the Tribal Council to authority to pass an ordinance to limit the authority of the Tribal Chairperson or impose rules and regulations on the Executive's Constitutionally granted authority. The proposed ordinance attempts to limit the Chairperson's authority to issue Executive Orders, the ordinance states "...such Executive Orders are limited to authority given the Chairman in the Constitution and tribal ordinances... and further states "...such Executive Orders are limited to execute managerial policy..." Therefore Tribal Ordinance CLLO-2018-0816-02 entitled "Executive Orders" is unconstitutional on the grounds the Tribal Council does not have the authority to limit the Chairperson's constitutionally granted power and authority.

Executive Orders are available for review by the membership.

ROLL CALL VOTE RESULTS
CLLO -2018-0816-02 "EXECUTIVE ORDERS"
ADOPTED AUGUST 16, 2018
VETO OVERRIDE VOTE OCTOBER 18, 2018
10 YES, 7 NO, 0 ABSTENSION(S)

District 1:	LaKishia Sweat	NO
District 2:	Sharon Hunt	YES
	Janie McFarland	YES
District 3:	James B. Hunt	YES
	Alton Locklear	YES
District 4:	Jonathan Locklear	ABSENT
District 5:	Bobby Oxendine	YES
	Jarrod Lowery	ABSENT
District 6:	Larry Chavis	NO
	Douglas Locklear	NO
District 7:	Reginald Oxendine	YES
	Jan Lowery	ABSENT
	Alvin Mercer	NO
District 8:	Corbin Eddings	NO
District 9:	Anita Hammonds Blanks	YES
District 10:	Janet Locklear	YES
District 11:	Frank Cooper	NO
District 12:	Annie Taylor	YES
	Michael Chavis	ABSENT
District 13:	Ricky Burnett	NO
District 14:	Barbara Lowery	YES