

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2019-0321-01

Date: March 21, 2019

“LUMBEE TRIBE HOLDINGS INC: FINANCIAL QUARTERLY REPORTING REQUIREMENTS”

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-b of the Constitution of the Lumbee Tribe of North Carolina delegates all legislative authority to the Tribal Council; and

WHEREAS, Lumbee Tribe Enterprises, LLC (LTE) is the only Small Business Administration 8(a) certified company owned by Lumbee Tribe Holdings, Inc.; and

WHEREAS, Lumbee Tribe Holdings, Inc. (LTH) owns 60% of Lumbee Tribe Enterprises, LLC; and

WHEREAS, The Lumbee Tribe of North Carolina (LTNC) owns 100% of Lumbee Tribe Holdings, Inc.; and

WHEREAS, The Tribal Council of the Lumbee Tribe of North Carolina represents the people of the Lumbee Tribe of North Carolina; and

WHEREAS, The Tribal Council Treasurer of the Lumbee Tribe of North Carolina” shall oversee council proceedings to prepare annual tribal budgets”,

WHEREAS, The following schedule below shall be the reporting periods by which information is presented in the form of an oral report, at the Lumbee Tribal Council Business meeting by the Lumbee Tribal Administrator:

- The 1st written report shall be delivered to the Lumbee Tribal Council no later than(NLT) the last working day of April 2019.
- 1st Quarter January-March, Report NLT the April regular business meeting.
- 2nd Quarter April-June, Report NLT the July regular business meeting.
- 3rd Quarter July-September, Report NLT the October regular business meeting.
- 4th Quarter October-December, Report NLT the January regular business meeting.

WHEREAS, The following documents listed below shall be provided to the Lumbee Tribal Council Treasurer by the Lumbee Tribal Administrator one week before each presentation date:

Lumbee Tribe Holdings, Inc.:

1. LTH Operating Agreement (Initial and Subsequent changes only);
2. LTH Balance Sheet;
3. LTH Profit and Loss Statements for all companies with LTH Ownership;
4. LTH Bank Statements
5. LTH Written Check/ACH/EFT Payments
6. LTH Annual Audit Reports

Lumbee Tribe Enterprises, LLC:

1. LTE Operating Agreement (Initial and Subsequent changes);
2. LTE Balance Sheets
3. LTE Profit and Loss Statement
4. LTE Bank Statements
5. LTE Written Check/ACH/EFT payments
6. LTE Annual Audit Reports
7. LTE Federal/State/Local Contracts Awarded
8. LTE Federal/State/Local Contracts Completed

THEREFORE, be it enacted by the Tribal Council of the Lumbee of North Carolina the following ordinance cited as” **Lumbee Tribe Holdings Inc: Financial Quarterly Reporting Requirements**”.

ROLL CALL VOTE RESULTS

CLLO-2019-0321-01 "LUMBEE TRIBE HOLDINGS INC: FINANCIAL QUARTERLY REPORTING REQUIREMENTS"

ADOPTED MARCH 21, 2019

19 YES, 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	ABSENT
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:	Dewey J McNeill	YES
District 10:	Marshil Locklear	YES
District 11:	Frank Cooper	YES
District 12:	Annie Taylor	YES
	Michael Chavis	YES
District 13:	Ricky Burnett	YES
District 14:	Terry Hunt	YES

CERTIFICATION

THIS **CLLO-2019-0321-01** "LUMBEE TRIBE HOLDINGS INC: FINANCIAL QUARTERLEY REPORTING REQUIREMENTS" ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 21TH DAY OF MARCH 2019 BY A VOTE OF 19 YES 0 NO, AND 0 ABSTENTION(S).

Ricky N Burnett 3-21-2019
ATTEST: RICKY BURNETT DATE
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Wendy Moore-Graham 3-21-2019
ATTEST: WENDY MOORE-GRAHAM 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-2019-0321-01** "LUMBEE TRIBE HOLDINGS INC: FINANCIAL QUARTERLEY REPORTING REQUIREMENTS", duly posted on the 22 day of MARCH 2019.

Belinda Brewer 3-22-19
ATTEST: BELINDA BREWER DATE
Tribal Clerk Designee, Lumbee Tribe of North Carolina





Lumbee Tribe of North Carolina
The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: CLLO-2019-0321-01 "LUMBEE TRIBE HOLDINGS INC: FINANCIAL QUARTERLY REPORTING REQUIREMENTS"

Posted Date: 3/22/19

Presented to Tribal Chairman for Review: 3-22-19 VIA EMAIL

Signature or Veto date; *Harvey Godwin, Jr.* 4/3/19

Reason for Veto: See Attached

VETO

Other: _____

Harvey Godwin, Jr.

Tribal Chairman of the Lumbee Tribe of North Carolina

_____ Date

Belinda Brewer

Belinda Brewer

Tribal Clerk Designee of the Lumbee Tribe of North Carolina



4-5-19

_____ 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-2019-0321-01 "Lumbee Tribe Holdings Inc.: Financial Quarterly Reporting Requirements".

I'd like to make it clear that this administration strongly supports transparency and reasonable financial reporting. However, CLLO-2019-0321-01 as written is unreasonable and unduly burdensome to Lumbee Tribe Holdings, Inc. (LTH) and makes unreasonable and impermissible demands on Lumbee Tribe Enterprises, LLC (LTE). As such, the proposed ordinance is not proper. The financial reporting, transparency, and oversight the council seeks and is rightly entitled to is possible to achieve in other, more appropriate ways.

Information that could potentially jeopardize the business interests of the Lumbee Tribe and privately-owned companies should not be made available to the public.

LTE is a private and closely-held company, governed by the laws of the State of North Carolina. The proposed ordinance over reaches in its attempt to require a private company to make public the listed information. The required information could include sensitive information such as account numbers, vendor, customer, and employee information that is not available for public inspection, making LTE vulnerable to its competitors. In addition, information like privileged labor rates, confidential contracts, trade secrets, and client names may be included in the documents requested. If the information was inappropriately shared, it could put LTE at risk of being assigned penalties and possible loss or withdrawal of contracts.

A more appropriate plan would be for LTH to provide to the Tribal Council Treasurer quarterly financial statements compiled by an independent Certified Public Accountant to include LTH's pro-rata share of the financial activity of LTE. Council would receive copies of LTH's Bylaws and any amendments (there is no operating agreement for LTH). These reports would be provided quarterly: 1st Quarter- no later than the May Business meeting; 2nd Quarter - no later the August Business Meeting; 3rd Quarter - no later than the November meeting; and 4th Quarter - no later than the February Business meeting. It is impossible to compile accurate financial reporting in the two-three week window as outlined in the proposed Ordinance. An audited Financial Statement for LTE will be included as part of the annual audited financial statements of the Lumbee Tribe of North Carolina and will continue to be included each year.