

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2018-0816-01

VETO

Date: AUGUST 16, 2018

“Council Approval of Tribal Policy”

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 legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina (“Tribal Council”), and;

WHEREAS, the Lumbee Tribal Council enacts legislation out of which policies are created, and;

WHEREAS, the Lumbee Tribal Council has oversight power and responsibility, and;

WHEREAS, the Lumbee Tribal Council in an effort to accomplish its oversight responsibilities will review all Lumbee Tribal Policies to include all current policies, and;

WHEREAS, any policy not approved by the Lumbee Tribal Council will not be valid or binding upon any branch of the Lumbee Tribe, and;

THEREFORE, be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina all Lumbee Tribal Policies, to include Executive Branch and Judicial Branch, in order to be valid and binding will be approved by the Lumbee Tribal Council. All current policies will remain in effect until such a time as the Tribal Council has reviewed, approved or disapproved the policy.

CERTIFICATION

THIS CLLO-2018-0816-01 "Council Approval of Tribal Policy" 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 DAY OF AUGUST 2018 BY A VOTE OF 10 YES 7 NO, AND 0 ABSTENTION(S).

Anita H Blanks

8-16-18

ATTEST: ANITA H BLANKS
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

DATE

Jan Lowery

8-16-18

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

DATE

VETO

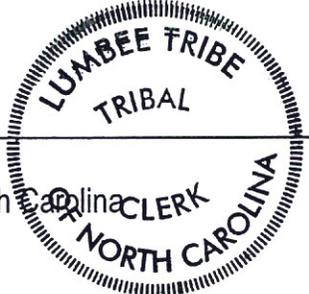
ATTEST: HARVEY GODWIN JR
Chairman, Lumbee Tribe of North Carolina

DATE

POSTING

This CLLO-2018-0816-01 "Council Approval of Tribal Policy" duly posted on this the 16 day of August 2018.

Belinda Brewer
Belinda Brewer
Tribal Clerk Designee of the Lumbee Tribe of North Carolina



8-16-18

ROLL CALL VOTE RESULTS
CLLO-2018-0816-01 "COUNCIL APPROVAL OF TRIBAL POLICY"

ADOPTED AUGUST 16, 2018

10 YES, 7 NO, 0 ABSTENSION(S)

District 1:	LaKishia Sweat	ABSENT
District 2:	Sharon Hunt	NO
	Janie McFarland	ABSENT
District 3:	James B. Hunt	YES
	Alton Locklear	ABSENT
District 4:	Jonathan Locklear	YES
District 5:	Bobby Oxendine	YES
	Jarrod Lowery	NO
District 6:	Larry Chavis	NO
	Douglas Locklear	YES
District 7:	Reginald Oxendine	YES
	Jan Lowery	YES
	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



Lumbee Tribe of North Carolina
The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: CLLO-2018-0816-01 "Council Approval of Tribal Policy"

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.

8/28/18

Date

Tribal Chairman of the Lumbee Tribe of North Carolina

Belinda Brewer



8-28-18

Date

Belinda Brewer

Tribal Clerk Designee of the Lumbee Tribe of North Carolina

Pursuant to the power vested in me by Article VII, Section 1(c) of the Lumbee Tribal Constitution, I hereby veto Tribal Ordinance CLL0-2018-0816-01 entitled "Council Approval of Tribal Policy".

This proposed ordinance 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 power to approve or disapprove Executive and Judicial Policy and Procedure was not given to the Tribal Council as one of its enumerated powers nor is it a power inherent in the Tribal Council's legislative power. The three branches of government are by deliberate design separate and distinct. The branches operate independently of each other but can and should have a system of checks and balances over each other. The absolute approval and disapproval of policy of the Executive and Judicial branches by the Legislative branch is not a check on their powers but attempt to micromanage the policy and procedures of the other two branches.

Article VII of our Constitution vests all executive power with the Tribal Chairperson, this includes with it the authority to create policy that is based on the duly enacted Ordinances. Article IX places with the Chief Judge of the Supreme Court the administrative responsibilities for the Court. The branches of government are responsible for governing their internal matters consistent with the Constitution; approval of their policies and procedures by the Legislative branch is not in line with the intention of our Lumbee Constitution and violation of Article III.

ROLL CALL VOTE RESULTS
CLLO -2018-0816-01 "COUNCIL APPROVAL OF TRIBAL POLICY"
ADOPTED AUGUST 16, 2018
VETO OVERRIDE VOTE OCTOBER 18, 2018
8 YES, 9 NO, 0 ABSTENSION(S)

District 1:	LaKishia Sweat	NO
District 2:	Sharon Hunt	NO
	Janie McFarland	YES
District 3:	James B. Hunt	YES
	Alton Locklear	YES
District 4:	Jonathan Locklear	ABSENT
District 5:	Bobby Oxendine	YES
	Jarrold Lowery	ABSENT
District 6:	Larry Chavis	NO
	Douglas Locklear	NO
District 7:	Reginald Oxendine	NO
	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