

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2014-0417-01

Date: April 17, 2014

REPEAL OF ORDINANCES: CLLO-2013-0919-01 "FISCAL YEAR EXTERNAL AUDIT ORDINANCE," CLLO-2013-0919-02 "TIMELINE FOR INDIAN HOUSING PLAN/ANNUAL PERFORMANCE REPORT ORDINANCE," CLLO-2013-0919-03 "GOVERNING THE LUMBEE HOUSING DEPARTMENT AND COMMITTEE ORDINANCE," CLLO-2013-0919-04 "ELDERLY PRIORITY FOR THE PURPOSES OF REHABILITATIONS ORDINANCE," CLLO-2013-0919-05 "AUDIT RECOMMENDATIONS FOR IMPLEMENTATION AND COMPLIANCE OF FINANCIAL STATEMENTS ORDINANCE," CLLO-2013-0919-06 "LOCATION OF THE ELDERS ADVISORY COMMITTEE 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 all legislative authority to the Lumbee Tribal Council; and

WHEREAS, Article IX, Section 1; the judicial power of the Lumbee Tribe of North Carolina shall reside in the Supreme Court of the Lumbee Constitution and such inferior courts as the Tribal Council may establish. The Lumbee Tribe Supreme Court of the Lumbee Constitution shall have original jurisdiction over all cases and controversies arising under the Lumbee Constitution and all ordinances of the Lumbee Tribe of North Carolina.

WHEREAS, Article IX, Section 2: The rule of law to be applied in the Lumbee Tribe Supreme Court of the Lumbee Constitution in all cases and controversies within its original jurisdiction shall be the will of the Lumbee people as expressed in the Lumbee Constitution, duly adopted tribal ordinances, and Lumbee custom. In the absence of a governing rule of law from these sources, the governing rule shall be federal common law;

WHEREAS, The Lumbee Tribe Supreme Court of the Lumbee Tribe of North Carolina heard a matter on Tuesday, October 8, 2013 filed by the Petitioner Paul Brooks, Chairman of the Lumbee Tribe of North Carolina against the former speaker of the Lumbee Tribal Council of the Lumbee Tribe of North Carolina, Respondent for conduct alleged to have "created immediate and irreparable harm to the entire tribal membership;

WHEREAS, During the course of litigation, the Court heard a motion for contempt and found the former Speaker of the Lumbee Tribal Council in contempt of a Lumbee Tribe of North Carolina Lumbee Tribe Supreme Court Order # 2013-0004;

1 **WHEREAS**, Among the relief given by the Lumbee Tribe of North Carolina, Lumbee Tribe
2 Supreme Court in its order of October 25, 2013, in resolution of the contempt indictment, the
3 former Speaker was:
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- 5 1. Held in Contempt
- 6 2. Removed from the Lumbee Tribal Council
- 7 3. Removed from any and all upcoming elections
- 8 4. Prevented from serving in or on any council, board, etc. related to the Lumbee
9 Tribe or its subsidiaries
- 10 5. Return key card or key(s) to the Tribal Building and any other Tribal property
- 11 6. Return all documents relating to the office as a council person to the Tribal
12 Building
- 13 7. Her photographs and name must be taken down immediately from any and all
14 tribal buildings
- 15 8. Trespassed from all Tribal buildings, offices, and any and all events of the Lumbee
16 Tribe or where the Lumbee Tribe is a cosponsor
- 17 9. Must refrain from discussing Tribal affairs as the Speaker of the Lumbee Tribe or
18 Council Member of the Lumbee Tribe with the newspapers, media, websites, etc...
- 19 10. After 5 years she may petition this court to allow her to come back and enjoy the
20 full benefits such as running for elected office, etc., if there are no violations of this
21 court order
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23 **WHEREAS**, In the Tribal Council meeting of November 5th, 2013, following the order of the
24 Lumbee Tribal Court, the Lumbee Tribal Council passed **Tribal Council Ordinance CLLO-2013-**
25 **1105-02, An Act to Establish Limits on Judicial Authority**, which was intended to nullify the
26 order of the Lumbee Tribe of North Carolina, Lumbee Tribe Supreme Court and allow the former
27 speaker to resume her duties as a Lumbee Tribal Council member and Speaker of the Lumbee
28 Tribal Council of the Lumbee Tribe of North Carolina;
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30 **WHEREAS**, The Lumbee Tribal Council allowed the former speaker to participate in several
31 Lumbee Tribal Council meetings and Lumbee Tribal Council Committee meetings from November
32 21, 2013 to January 14, 2014;
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34 **WHEREAS**, The following Ordinances were passed;
35

- 36 1. CLLO-2013-0919-01, Fiscal Year External Audit Ordinance
- 37 2. CLLO-2013-0919-02, Timeline for Indian Housing Plan/Performance Report
38 Ordinance
- 39 3. CLLO-2013-0919-03, Governing the Lumbee Housing Department and Committee
40 Ordinance
- 41 4. CLLO-2013-0919-04, Elderly Priority for the Purpose of Rehabilitations Ordinance
- 42 5. CLLO-2013-0919-05, Audit Recommendations for Implementation and
43 Compliance of Financial Statements Ordinance
- 44 6. CLLO-2013-0919-06, Location of the Elders Advisory Committee Ordinance
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1 **WHEREAS**, the above reference ordinances were vetoed by the Lumbee Tribal Chairman. The
2 Lumbee Tribal Council voted on November 21, 2013 to override the Chairman's veto in accordance
3 with Article VII, Section 5;
4

5 **WHEREAS**, the following Resolutions were passed;
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- 7 1. CLLR-2013-1121-01, 2012-2013 Fiscal Fund 70 Reports
- 8 2. CLLR-2013-1121-02, Authorization for Tribal Council Treasurer Review of all Bank
9 Accounts

10
11 **WHEREAS**, the above referenced resolutions were passed on November 21, 2013 by the
12 Lumbee Tribal Council.
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14 **THEREFORE**, be it enacted by the Lumbee Tribal Council of the Lumbee Tribe of North
15 Carolina, this ordinance, to void, nullify, hold without effect, and repeal the following ordinances,
16 resolutions and committee proceedings due to there being a direct violation of the Lumbee Tribe
17 Supreme Court Order dated October 25, 2013;
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- 19 1. CLLO-2013-0919-01, Fiscal Year External Audit Ordinance
- 20 2. CLLO-2013-0919-02, Timeline for Indian Housing Plan/Annual Performance
21 Report Ordinance
- 22 3. CLLO-2013-0919-03, Governing the Lumbee Housing Department and Committee
23 Ordinance
- 24 4. CLLO-2013-0919-04, Elderly Priority for the Purposes of Rehabilitations
25 Ordinance
- 26 5. CLLO-2013-0919-05, Audit Recommendations for Implementation and
27 Compliance of Financial Statements Ordinance
- 28 6. CLLO-2013-0919-06, Location of Elders Advisory Committee Ordinance
- 29 7. CLLR-2013-1121-01, 2012-2013 Fiscal Fund 70 Reports
- 30 8. CLLR-2013-1121-02, Authorization for Tribal Council Treasurer Review of All Bank
31 Accounts
- 32 9. Lumbee Tribal Council, Tribal Council Ethics Committee Hearing, December 5,
33 2013, former speaker voted in violation of Court Order
- 34 10. LNTP Committee Meeting, Tuesday, December 10, 2013, former speaker was
35 present in violation of Court Order
- 36 11. Lumbee Tribal Council Meeting, Thursday, November 21, 2013, former speaker
37 presided in violation of Court Order
- 38 12. Lumbee Tribal Council Special Called Meeting, Monday, January 6, 2013, former
39 speaker present, in violation of Court Order
- 40 13. Former speaker was present at a swearing-in ceremony at the Boys and Girls
41 Club in Pembroke on January 14, 2013, in violation of Court Order
- 42 14. Former speaker was at the Lumbee Housing Complex on February 28, 2013 in
43 violation of Court Order
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1 **THEREFORE**, Be it enacted by the Lumbee Tribe of North Carolina, Lumbee Tribal Council
2 hereby **REPEALS ORDINANCES**: CLLO-2013-0919-01 "FISCAL YEAR EXTERNAL
3 ORDINANCE," CLLO-2013-0919-02 "TIMELINE FOR INDIAN HOUSING PLAN/ANNUAL
4 PERFORMANCE REPORT ORDINANCE," CLLO-2013-0919-03 "GOVERNING THE LUMBEE
5 HOUSING DEPARTMENT AND COMMITTEE ORDINANCE," CLLO-2013-0919-04 "ELDERLY
6 PRIORITY FOR THE PURPOSES OF REHABILITATION ORDINANCE," CLLO-2013-0919-05
7 "AUDIT RECOMMENDATIONS FOR IMPLEMENTATION AND COMPLIANCE OF FINANCIAL
8 STATEMENTS ORDINANCE," CLLO-2013-0919-06 "LOCATION OF ELDERS ADVISORY
9 COMMITTEE ORDINANCE," as they violate the Lumbee Tribe of North Carolina, Lumbee Tribe
10 Supreme Court Order # 2013-0004, dated October 25, 2013.
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12 **THEREFORE**, be it further enacted by the Lumbee Tribal Council of the Lumbee Tribe of North
13 Carolina, that the above-referenced resolutions and meetings whereby the former speaker
14 participated are deemed to be of no effect at any time since the date of Lumbee Tribe Supreme
15 court Order #2013-0004.
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ROLL CALL VOTE RESULTS TO ADOPT

CLLO-2014-0417-01 "REPEAL OF ORDINANCES: CLLO-2013-0919-01, CLLO-2013-0919-02, CLLO-2013-0919-03, CLLO-2013-0919-04, CLLO-2013-0919-04, CLLO-2013-0919-05, CLLO-2013-0919-06"

14 YES, 2 NO, ___ ABSTENSION(S)

| | | |
|--------------|-----------------------|---------|
| District 1: | Evan Davenport | NO |
| District 2: | Terry Hunt | YES |
| | Janie McFarland | YES |
| District 3: | Lesandri Hunt | YES |
| | Alton Locklear | YES |
| District 4: | Jonathan Locklear | EXCUSED |
| District 5: | Bobby Oxendine | YES |
| | Charles Bullard | EXCUSED |
| District 6: | Larry Townsend | YES |
| | McDuffie Cummings | YES |
| District 7: | Robert Chavis | EXCUSED |
| | Jan Lowery | YES |
| | Terry Campbell | NO |
| District 8: | Daniel Jones | YES |
| District 9: | Anita Hammonds Blanks | YES |
| District 10: | Terry Collins | EXCUSED |
| District 11: | Linda Revels | YES |
| District 12: | Areatha Patterson | YES |
| | Walter Lowery | YES |
| District 13: | William Maiden | YES |
| District 14: | Homer Fields | EXCUSED |

CERTIFICATION

THIS ORDINANCE NO. 2014-0311-01 "REPEAL OF ORDINANCES: CLL0-2013-0919-01 "FISCAL YEAR EXTERNAL AUDIT ORDINANCE," CLL0-2013-0919-02 "TIMELINE FOR INDIAN HOUSING PLAN/ANNUAL PERFORMANCE REPORT ORDINANCE," CLL0-2013-0919-03 "GOVERNING THE LUMBEE HOUSING DEPARTMENT AND COMMITTEE ORDINANCE," CLL0-2013-0919-04 "ELDERLY PRIORITY FOR THE PURPOSES OF REHABILITATION ORDINANCE," CLL0-2013-0919-05 "AUDIT RECOMMENDATIONS FOR IMPLEMENTATION AND COMPLIANCE OF FINANCIAL STATEMENTS ORDINANCE," CLL0-2013-0919-06 "LOCATION OF THE ELDERS ADVISORY COMMITTEE ORDINANCE", ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 16 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 17TH DAY OF APRIL, 2014 BY A VOTE OF 14 YES, 2 NO, AND _____ ABSTENTION(S).

Lesandri Hunt
ATTEST: LESAUNDRI HUNT
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

6-10-14
DATE

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

6-10-14
DATE

Paul Brooks
PAUL BROOKS
Chairman, Lumbee Tribe of North Carolina

6-11-14
DATE

POSTING

This Ordinance CLL0-2014-0311-01 "REPEAL OF ORDINANCES: CLL0-2013-0919-01, CLL0-2013-0919-02, CLL0-2013-0919-03, CLL0-2013-0919-04, CLL0-2013-0919-05, and CLL0-2013-0919-06, duly posted on this the 10 day of June, 2014.

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

6-10-14
DATE



Lumbee Tribe of North Carolina

The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: CLLD-2014-D477-01

Posted Date: (NOT Indicated by prior Tribal Clerk)

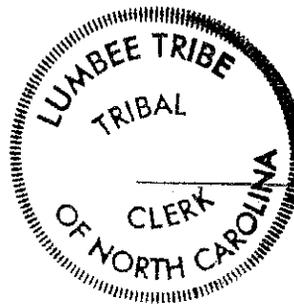
Presented to Tribal Chairman for Review: 8/13/14

Signature or Veto date: 8/13/14

Reason for Veto:

Date presented to Tribal Council Liaison: 8/19/14

Date presented to Tribal Council Secretary (via mailbox): 8/19/14



A handwritten signature in black ink, appearing to read "Billy Hunt".

Billy Hunt
Tribal Clerk of the Lumbee Tribe of North Carolina