

# LUMBEE TRIBE OF NORTH CAROLINA

ORDINANCE NO. 2005-0003

Date: May 26, 2005

AMENDED: June, 25, 2009

**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 Tribal Council; and

**THEREFORE**, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance that shall be cited as **"GENERAL ORDINANCE GOVERNING THE DUTIES OF THE TRIBAL COUNCIL OFFICERS AND DECORUM OF COUNCIL MEETINGS."**

## SECTION 1. DUTIES OF TRIBAL COUNCIL OFFICERS

1. In accordance with Article VII, Section 1 and Section 4 (a – d) of the Constitution of the Lumbee Tribe, there shall be a Speaker, Vice-Chairman, Secretary and Treasurer, with the duties stated therein, and any further duties imposed by this or other ordinances of the Tribal Council. Such officers shall be elected by the Tribal Council from among its members.

a. *Speaker – The Speaker is elected annually principally for presiding over Tribal Council meeting. The Speaker should be thoroughly familiar with the Lumbee Constitution, Tribal Ordinances and be well versed in parliamentary law. The Speaker shall:*

- (1) *preside at meetings*
- (2) *open meetings on time*
- (3) *announce business*
- (4) *recognize speakers*
- (5) *state motions and put motions to a vote*
- (6) *maintain order and enforce rules*
- (7) *expedite business*
- (8) *adjourn meetings*
- (9) *sign documents*

b. *Vice-Chairman – The Vice-Chairman shall preside over council meetings in the absence of the Speaker. He or she should be willing and qualified to serve as Chairperson (e.g. 35 years of age).*

c. *Secretary – The Secretary is responsible for the minutes of the Tribal Council, and should have writing skills and be able to file, maintain, notify, sign and keep records of all proceedings of Council meetings and committee reports. The Secretary shall:*

- (1) *record minutes and file*

- 1 (2) *present minutes for approval*
- 2 (3) *prepare notice for meetings*
- 3 (4) *sign documents*
- 4 (5) *maintain tribal records*
- 5

6 d. *Treasurer – The Treasurer is responsible for preparing Tribal Budgets,*  
7 *conducting a public hearing on budgets, and should be knowledgeable of*  
8 *budgets, including preparation and monitoring of budgets.*

- 9 (1) *present financial reports for review by Council members*
- 10 (2) *ensures that adequate financial controls exist to safely guard*  
11 *tribal assets*
- 12 (3) *ensure that there are sound fiscal policies and procedures*
- 13 (4) *sign documents*
- 14 (5) *serve as Finance Committee Chairperson*
- 15

- 16 2. Elections for such officers will be held annually, with fifteen (15) days, following the
- 17 swearing in of any newly elected Tribal Council member(s), unless otherwise
- 18 determined by a simple majority vote of the Council.
- 19 *No person shall be appointed or elected as an Officer who is serving the first year of*  
20 *his or her first term of office.*
- 21
- 22 3. It shall be the responsibility of the speaker to ensure that each Council meeting is
- 23 opened and closed by prayer.
- 24
- 25 4. When deemed necessary, by a simple majority vote, a parliamentarian may be
- 26 elected, appointed or employed at the discretion of the seated Tribal Council.
- 27

## 28 **SECTION 2. TRIBAL COUNCIL MEETINGS**

- 29
- 30 1. In accordance with Article VII, Section 1 of the Constitution of the Lumbee Tribe, the
- 31 Tribal Council shall adopt rules and regulations governing the Council's procedure and
- 32 decorum.
- 33
- 34 2. There shall be regular meetings of the Tribal Council as defined in a Resolution by the
- 35 Tribal Council at the first annual meeting of each calendar year. The meetings for
- 36 each calendar year shall be published and made available to the membership.
- 37
- 38 3. *All meetings of the Tribal Council shall be open to the public except when the*  
39 *discussion shall concern employment issues deemed sensitive by a majority of the*  
40 *Tribal Council in attendance, not in the scope of the executive branch, contracts and*  
41 *litigation, and retention or discharge of personnel; when the question of the moral*  
42 *turpitude of any member of the Tribe is discussed; and when the discussion deals with*  
43 *the fundamental right of a tribal member. In the event that consideration of a subject*  
44 *shall take place in a closed session, the action shall take place in an open meeting.*
- 45
- 46 4. No proceeding of the Tribal Council shall take place in the absence of a quorum which
- 47 shall consist of two-third (2/3) of the sitting council members, and all decisions of the

- 1 Tribal Council shall require an affirmative vote of the majority of present council  
2 members. In determining what number constitutes two-thirds (2/3) of the sitting  
3 Council members, the number will be rounded up to the nearest whole number.  
4
- 5 5. The Speaker shall, upon the request of one-third (1/3) or more of the Council members  
6 or the written request of the Tribal Chairperson, schedule a special session of the  
7 Tribal Council, with at least five (5) days advance notice thereof to all members of the  
8 Tribal Council. Only in the most extreme of cases or circumstances can the Speaker  
9 with the approval of a majority vote of the officers, circumvent the five (5) day rule by  
10 calling an emergency meeting. Any request for a special session shall state the  
11 proposed agenda item and the special session shall be limited to consideration of the  
12 proposed agenda item. No business may be transacted if proper advance notice has  
13 not been provided to the members of the Tribal Council.  
14
- 15 6. The Speaker shall prepare an agenda for every regular meeting with items presented  
16 to him/her for discussion and/or or action , with copies provided to each council  
17 member postmarked within five (5) days in advance of the meeting. Supporting  
18 documents for an agendum item shall be filed with the Tribal Administrator for  
19 inclusion in mailed packages to the Tribal Council. To the extent possible, committees  
20 will refrain from conducting committee meetings during this seven (7) day period.  
21
- 22 7. Any matter that needs to be added after the agenda has been sent to the Tribal  
23 Council shall be brought to the Speaker for consideration to be placed on the agenda.  
24
- 25 8. If the Speaker decides against placing the new item on the agenda, a two-thirds vote  
26 of the council members present can add an item to the agenda.  
27
- 28 9. The agenda shall be enforced by the Speaker and shall consist of the following:  
29 a. Debate of proposed ordinance(s) and other business  
30 b. Items that require action by the Tribal Council  
31 c. Remarks by the Tribal Chairperson and/or Tribal Administrator, should a  
32 request be made in advance, and  
33 d. Allowed time for community remarks. Community remarks shall not exceed  
34 three (3) minutes per speaker.  
35
- 36 10. The Speaker shall preserve order and decorum. Decency of speech shall be  
37 observed and disrespect to personalities carefully avoided. Any communication  
38 device shall not interfere with the conduct of the meetings.  
39
- 40 11. All meetings of the Tribal Council shall open and close with a prayer.  
41
- 42 12. *Teleconference calls shall not be allowed except for emergency meetings of the Tribal*  
43 *Council on time sensitive issues.*  
44
- 45 13. All meetings of the Tribal Council shall follow and adhere to the greatest extent  
46 possible to the latest edition of Robert's Rules of Order unless otherwise provided by  
47 the Constitution or a Tribal Ordinance.

- 1 14. *A council member may be excused from attending a Tribal Council housing or finance*  
2 *meeting provided he or she has cause, and shall provide written or verbal notification,*  
3 *and the absence is excused by a majority vote of the Tribal Council.*  
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- 5 15. After an item has been introduced and a motion is on the floor:  
6 a. The time limit on the debate shall be set at no more than fifteen (15) minutes,  
7 unless a simple majority votes to extend the length of the debate.  
8 b. No member may speak more than once on the issue, but may offer one  
9 rebuttal to a comment of another council member. If a council member feels  
10 compelled to make a comment after his or her first rebuttal has been made, he  
11 or she can do so after everyone else has had an opportunity to speak.  
12 c. A rebuttal shall be no longer than three (3) minute per person.  
13
- 14 16. Voting – votes shall be either by voice vote or roll call vote.  
15 a. Roll Call Vote – all votes that pertain to legislation (ordinances and  
16 resolutions) and measures shall be by roll call vote.  
17 b. Voice Vote – all other votes shall be by voice vote.  
18
- 19 17. Informational Reports from Committees shall be limited to five (5) minutes. During the  
20 report, the Committee Chairperson or designee shall report only their findings and  
21 recommendations on matters undertaken by the Committee. Committees should  
22 refrain from discussing matters in which they have no findings or recommendation to  
23 report.  
24
- 25 18. *In event a regularly scheduled or special called meeting of Council is postponed or*  
26 *cancelled, the Tribal Council Secretary or his/her designee shall notify members by*  
27 *phone or email in a timely manner.*  
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- 29 19. To the extent possible, new matters shall be referred to Committees.  
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### 31 SECTION 3: COMMITTEES

- 32
- 33 1. Tribal Council members shall select legislative committees to join. Interested tribal  
34 members may participate in Tribal Council committee dialogue with the  
35 acknowledgement of the committee.  
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- 37 2. A chairperson shall be elected from the council members of the committee by  
38 members of the committee. *No chairperson of a committee shall be appointed or*  
39 *elected who is serving the first year of his or her first term of office.*  
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- 41 3. A record of committee actions shall be recorded by designee, and archived after  
42 approval.  
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#### 44 Definitions:

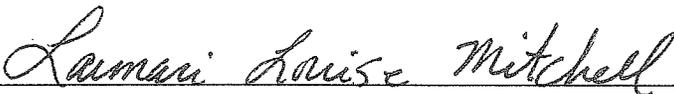
45 Informational Reports – A summary of Committee meetings that includes the Committee's findings  
46 and recommendations.  
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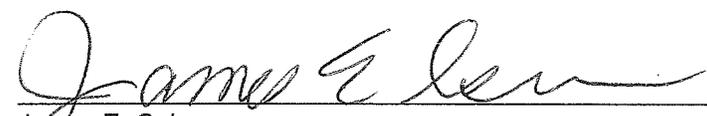
CERTIFICATION

THIS "GENERAL ORDINANCE GOVERNING THE DUTIES OF THE TRIBAL COUNCIL OFFICERS AND DECORUM OF COUNCIL MEETINGS", CLLO-2005-0003, AMENDED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 20 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 25TH DAY OF JUNE, 2009 BY A VOTE OF 12 FOR, 8 AGAINST, 0 ABSTENTION(S).

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ATTEST: RICKY BURNETT 7-23-09  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina DATE

  
ATTEST: LARMARI LOUISE MITCHELL July 8, 09  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina DATE

  
James E. Goins 7-10-09  
Chairman, Lumbee Tribe of North Carolina DATE

**POSTING**

This amended "GENERAL ORDINANCE GOVERNING THE DUTIES OF THE TRIBAL COUNCIL OFFICERS AND DECORUM OF COUNCIL MEETINGS," ORDINANCE NO. 2005-0003 duly posted on this the 2ND day of JULY, 2009.

  
ATTEST: RUTH B. LOCKLEAR 7-2-09  
Tribal Clerk, Lumbee Tribe of North Carolina

