

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2013-1105-01

DATE: NOVEMBER 5, 2013

“GOVERNING TRIBAL BANISHMENT 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; and

WHEREAS, Article VII, Section 1 of the Constitution of the Lumbee Tribe of North Carolina delegates all legislative authority to the Tribal Council; and

WHEREAS, Article II, Section 5 of the Constitution of the Lumbee Tribe of North Carolina delegates authority to govern tribal membership 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 “**GOVERNING TRIBAL BANISHMENT ORDINANCE**”

SECTION 1. AUTHORITY PROVISIONS

VETO

1. No member of the tribe shall be banished from tribal property, tribal activities, or any event sponsored or co-sponsored by the Lumbee Tribe, or have any privileges of membership suspended, except by 2/3 vote of the Tribal Council.
2. Any tribal council member may submit to full Council a petition to banish a tribal member, stating the cause and or circumstances by the council member to justify banishment. Upon receipt of a petition for banishment, the Speaker of the Council shall cause the petition to be delivered to the affected tribal member, who shall have thirty (30) days in which to appear before the Council to explain or state any factors in mitigation. The Council shall not vote on a petition for banishment until after the tribal member has appeared or until thirty (30) days after notification of the petition to the tribal member, which shall occur first.

Any tribal member banished in accordance with the terms of this ordinance may seek reinstatement of his or her tribal rights no sooner than thirty (30) days after the initial banishment order. A banishment order shall be revoked upon affirmative vote 2/3 vote of the Tribal Council.

3. A banishment order may include any or all of the privileges of membership, for a limited or unlimited period of time. Banishment is available only upon proof stated in the petition for banishment of conviction of felony under North Carolina or federal law that threatens the health or welfare of the Lumbee community, or upon proof of flagrant, willful repeated violation of tribal law in such a way as to bring disrepute upon the Lumbee people.

SECTION 2. DEFINITION

"Banishment" is the deportation or the expulsion of a person from a country or a form of punishment imposed on an individual, usually by a country or state, in which the individual is forced to remain outside of that country or state. Banishment shall also include any restriction upon a tribal member activity or freedom to participate in tribal activities, including elections, events or programs.

SECTION 3. SAVING CLAUSE

In the event that any phase, provision, part paragraph, subsection, or section of this ordinance is found by court of competent jurisdiction to violate the Constitution, laws, or ordinances of the Lumbee Tribe of North Carolina, such phase, provision, part paragraph, subsection or section shall be considered to stand alone and to be deleted from this ordinance, the entirety of the balance of the ordinance to remain in full and binding force and effect.

CERTIFICATION

THIS "GOVERNING TRIBAL BANISHMENT ORDINANCE". CLL0-2013-1105-01, 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 7TH DAY OF NOVEMBER, 2013 BY A VOTE OF 11 YES, 5 NO, AND 4 ABSTENTION(S).

Charles Bullard

Nov 7, 2013

ATTEST CHARLES BULLARD
Vice Chairperson, Tribal Council of the Lumbee Tribe of North Carolina

Lamari Louise Mitchell

November 7, 2013

ATTEST: LARMARI LOUISE MITCHELL
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

VETO

PAUL BROOKS
Chairman, Lumbee Tribe of North Carolina

Date

POSTING

This CLL0-2013-1105-01 "GOVERNING TRIBAL BANISHMENT ORDINANCE", duly posted on this the 13 day of November, 2013.

Cynthia L. Hunt

11/13/2013.

ATTEST: CYNTHIA L. HUNT
Tribal Clerk, Lumbee Tribe of North Carolina

Date

**ROLL CALL VOTE RESULTS TO ADOPT
CLL0-2013-1105-01 "GOVERNING TRIBAL BANISHMENT ORDINANCE"**

11 YES, 5 NO, ~~4~~ ABSTENSION(S)

District 1:	Evan Davenport	NO
District 2:	Terry Hunt	NO
	Larmari Louise Mitchell	YES
District 3:	Lesandri Hunt	NO
District 4:	Jonathan Locklear	EXCUSED
District 5:	Bobby Oxendine	YES
	Charles Bullard	YES
District 6:	Larry Anthony Chavis	YES
	McDuffie Cummings	YES
District 7:	Robert Chavis	YES
	Larry Campbell	YES
	Terry Campbell	YES
District 8:	Steve Sampson	ABSENT
District 9:	Anita Hammonds Blanks	NO
District 10:	Terry Collins	EXCUSED
District 11:	Linda Revels	NO
District 12:	Danita Locklear	YES
	Walter Lowery	YES
District 13:	William Maiden	YES
District 14:	Homer Fields	EXCUSED

CERTIFICATION OF VETO OVERRIDE

THIS VETO OVERRIDE OF “**CLLO-2013-1105-01 GOVERNING TRIBAL BANISHMENT**” WAS CERTIFIED AT A MEETING OF THE 21 SEATED MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 16 MEMBERS WERE PRESENT , CONSTITUTING A QUORUM, THIS 6TH DAY OF JANUARY, 2014 BY A VOTE OF 14 FOR, 2 AGAINST, _____ ABSTENTION(S).

ROLL CALL VOTE RESULTS TO ADOPT “**CLLO-2013-1105-01 GOVERNING TRIBAL BANISHMENT**” 14 FOR, 2 AGAINST, _____ ABSTENTION(S)

District 1:	Evan Davenport	NO
District 2:	Terry Hunt	ABSENT
	Larmari Louise Mitchell	YES
District 3:	Lesaudri Hunt	YES
District 4:	Jonathan Locklear	ABSENT
District 5:	Bobby Oxendine	YES
	Charles Bullard	YES-TELECONFERENCE
District 6:	Larry Anthony Chavis	YES
	McDuffie Cummings	YES
District 7:	Robert Chavis	YES
	Larry Campbell	YES
	Terry Campbell	YES
District 8:	Steve Sampson	ABSENT
District 9:	Anita Hammonds Blanks	NO
District 10:	Terry Collins	YES
District 11:	Linda Revels	ABSENT
District 12:	Danita Locklear	YES
	Walter Lowery	YES
District 13:	William Maiden	YES
District 14:	Homer Fields	YES

McDuffie Cummings
ATTEST: MCDUFFIE CUMMINGS

1-6-14
Date

Treasurer, Tribal Council of the Lumbee Tribe of North Carolina

Larmari Louise Mitchell
ATTEST: LARMARI LOUISE MITCHELL

1-6-2014
Date

Secretary, Tribal Council of the Lumbee Tribe of North Carolina