

LUMBEE TRIBE OF NORTH CAROLINA

P.O. Box 2709
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ORDINANCE NO. 2005-000 7

DATE: JUNE 23, 2005

WHEREAS, The Lumbee Tribe of North Carolina, a recognized American 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 COMMITTEES, APPOINTMENTS, AND TRIBAL GOVERNMENT AFFILIATED POSITIONS.**"

Section 1: Committees

1. The duties of all Lumbee Tribal legislative committees shall be clearly defined by the Tribal Council.
2. Such committees shall report on their activities and decisions from time to time as required by the Tribal Council.
3. The actions and decisions of such committees shall be subject to review by the Tribal Council as long such review is in accordance with the Constitution of the Lumbee Tribe of North Carolina.
4. Committees shall have the authority to establish meeting time and decorum with the following exceptions:
 - a. All meetings of committees shall be open to the public except:
 - i. When the discussion shall concern employment issues not in the scope of the executive branch, contracts and litigation, and retention or discharge of personnel
 - ii. When the question of the moral turpitude of any member of the Tribe is discussed
 - iii. When the discussion deals with the fundamental rights of a member.
 - b. In the event that consideration of a subject shall take place in a closed session, the action shall take place in an open meeting.

Section 2: Appointments

1. The Tribal Council shall approve all appointments and appointees to organizations, Boards, and entities and to the extent possible appointee(s) shall be tribal members who are not seated Tribal Council members.
2. The Tribal Council shall not make appointments to organizations, boards, and entities whose philosophy and mission conflicts with the Constitution of the Lumbee Tribe of North Carolina.

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Appointments, and Tribal Government Affiliated Positions

3. Appointees shall report on their activities and decisions from time to time as required by the Tribal Council.
4. A vote of two-thirds (2/3) of the seated Tribal Council members can remove an appointee from a position by notifying the appointee in writing thirty days in advance the reason/s for removal, as long as such removal shall not conflict with the Constitution of the Lumbee Tribe of North Carolina.

Section 3: Tribal Government Affiliated Positions Not Constitutionally Mandated

1. The Tribal Council shall have the authority to decide how positions on commissions, organizations, and entities shall be filled.
2. If the process to fill a position is by an election, the Elections Board shall conduct the election in accordance with Article X, Section 1A, 1C, and 3 of the Constitution of the Lumbee Tribe of North Carolina. The Tribal Council shall draw geographical boundaries for tribal government affiliated elections that maintain "one man, one vote" appointment. While serving in an elected tribal government affiliated position, the person must continue to live within the elected district.
3. If an affiliated position is filled by appointment, to the extent possible, Tribal members who are not seated Tribal Council members shall be selected. Any affiliated position filled by the appointment process shall require a two thirds (2/3) vote of the seated Tribal Council.

Definitions:

"Moral turpitude" is an amoral, corrupt or depraved degenerate act or practice.

"Tribal Government Affiliated" includes commissions, organizations, and entities whose representative(s) is selected through the Lumbee Tribe of North Carolina.

"To the extent possible" means highest priority is given to non-council members.

CERTIFICATION

THIS ORDINANCE NO. 2005-000 7 ADOPTED THIS THE 23 DAY OF June, 2005 AT A MEETING OF TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA BY A VOTE OF 18 FOR, 0 AGAINST.

[Signature]
Tribal Chairman of the Lumbee Tribe of North Carolina

Attested to
Frances Chavis
Secretary

POSTING

This Ordinance No. 2005-000 7 duly posted in the Office of the Lumbee Tribe of North Carolina on this the 23 day of June, 2005.
[Signature]