

# THE LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2009-1029-01

DATE: OCTOBER 29, 2009

## **“GENERAL PROVISIONS OF TRIBAL ADMINISTRATOR ORDINANCE”**

**WHEREAS**, The Lumbee Tribe of North Carolina (“Lumbee Tribe”) is a recognized American Indian Tribe of the State 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 all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina (“Tribal Council”), and;

**WHEREAS**, Article VII, Tribal Council, (Section 1.c) and Article VIII, Tribal Chairperson, (Section 1.d) of the Lumbee Constitution establishes the employment position of Tribal Administrator, and;

**WHEREAS**, The Tribal Chairperson shall nominate a Tribal Administrator, subject to the confirmation of the Tribal Council or its designee(s), the Tribal Administrator can be removed by the same process.

**THEREFORE**, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance shall be cited as **“GENERAL PROVISIONS OF TRIBAL ADMINISTRATOR ORDINANCE.”**

### **Section 1. Purpose and Statement**

(1). To provide for continuity in the management of the operational affairs of the Lumbee Tribe of North Carolina, to set forth the confirmation of the Tribal Administrator with responsibility and authority of the position as delegated by the Lumbee Constitution upon nomination by the Tribal Chairperson and the confirmation of the Tribal Council.

(2).The Tribal Council, as the governing body of the Tribe, has determined that the best interests of the Lumbee Tribe is best served by providing for the position which shall be delegated the responsibility to carry out the executive functions of the Lumbee Tribe.

### **Section 2. Employment of the Tribal Administrator.**

(1).The Lumbee Constitution establishes the position of the Tribal Administrator. The Tribal Administrator shall be nominated by, report to, carry out the executive duties of and serve at the pleasure of the Tribal Chairman of the executive branch.

(a). Effective February 1, 2010, the employment of a Tribal Administrator shall have a timeframe to be filled within 45 calendar days when vacancy occurs. In event the tribal administrator is not employed within the 45 calendar days, other timeframes will be determined in collaboration with the Tribal Chairperson and Tribal Council.

(b). The Tribal Chairperson shall not enter into a contract to employ a Tribal Administrator for a term that would extend beyond the term of their office.

(c). Any employment entered **into** with the Tribal Administrator must have the following language: "the term of the employment agreement shall terminate in the event the Tribal Chairperson submits a written recommendation of termination to the Tribal Council and the Tribal Council affirms the recommendation by a majority vote".

**Section 3. Authorities of the Tribal Administrator**

- (1) The Tribal Administrator may, subject to the review and approval of the Tribal Chairperson:
  - (a) Provide day to day supervision of all tribal employees and consultants
  - (b) Ensure compliance with all applicable rules and regulations governing tribal grants or contracts
  - (c) Implement tribal policies and directives from the Tribal Chairperson
  - (d) Approve staff leave and time records
  - (e) Approve expenditures
  - (f) Perform all other duties as defined by a job description or contract of employment
  
- (2) Nothing in this Ordinance shall limit or restrict the executive authorities of the Tribal Chairperson

**Section 4. Sanctions**

- (1) Any violation of this ordinance shall be subject to discipline as specified in Section 6, paragraph 1 and 2 of the Ethics and Conflict of Interest Ordinance No. 2006-0001.

**CERTIFICATION**

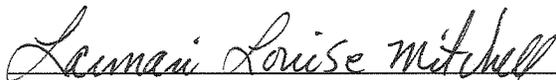
THIS CLLO-2009-1029-01 "**GENERAL PROVISIONS OF TRIBAL ADMINISTRATOR ORDINANCE**", ADOPTED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 18 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 29TH DAY OF OCTOBER, 2009 BY A VOTE OF 18 FOR, 0 AGAINST, 0 ABSTENTION(S).



ATTEST: RICKY BURNETT  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Nov 10, 2009

Date



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

Nov. 3, 2009

Date

VETO

VETO

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JAMES E. GOINS  
Chairman, Lumbee Tribe of North Carolina

Date

**POSTING**

This CLLO-2009-1029-01 "**GENERAL PROVISIONS OF TRIBAL ADMINISTRATOR ORDINANCE**", duly posted on this the 2 day of November, 2009.



11-2-09

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ATTEST: RUTH B. LOCKLEAR  
Tribal Clerk, Lumbee Tribe of North Carolina

Date

**ROLL CALL VOTE RESULTS TO ADOPT**

**CLLO-2009-1029-01**

**“GENERAL PROVISIONS OF TRIBAL ADMINISTRATOR ORDINANCE”**

18 FOR, 0 AGAINST, 0 ABSTENTION(S)

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Laura B. Sampson	YES
	Pam Spaulding	YES
District 4:	Helen H. Locklear	YES
District 5:	Kernice Lee Locklear	YES
	Charles Bullard	YES
District 6:	James Deese	ABSENT
	Larry Anthony Chavis	YES
District 7:	Ray Littleturtle	ABSENT
	James Harold Locklear	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	YES
District 10:	Bradley McMillian	YES
District 11:	Linda Revels	YES
District 12:	Furnie Lambert Jr.	YES
	Shelley Strickland	YES
District 13:	Ricky Burnett	ABSENT
District 14:	Welford Clark	YES

## CERTIFICATION OF VETO OVERRIDE

THIS VETO OVERRIDE OF "**GENERAL PROVISIONS OF TRIBAL ADMINISTRATOR ORDINANCE,**" TRIBAL ORDINANCE CLLO-2009-1029-01 WAS CERTIFIED AT A MEETING OF THE 21 SEATED MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE **19** MEMBERS WERE PRESENT , CONSTITUTING A QUORUM, THIS 19TH DAY OF NOVEMBER, 2009 BY A VOTE OF **16** FOR, **3** AGAINST, **0** ABSTENTION(S).

### **ROLL CALL VOTE RESULTS TO ADOPT TRIBAL ORDINANCE CLLO-2009-1029-01, "GENERAL PROVISIONS OF TRIBAL ADMINISTRATOR ORDINANCE" 16 FOR, 3 AGAINST, 0 ABSTENTION(S)**

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Laura B. Sampson	NO
	Pam Spaulding	YES
District 4:	Helen H. Locklear	NO
District 5:	Kernice Lee Locklear	YES
	Charles Bullard	YES
District 6:	James Deese	YES
	Larry Anthony Chavis	YES
District 7:	Ray Littleturtle	ABSENT
	James Harold Locklear	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	NO
District 10:	Bradley McMillian	ABSENT
District 11:	Linda Revels	YES
District 12:	Furnie Lambert	YES
	Shelley Strickland	YES
District 13:	Ricky Burnett	YES
District 14:	Welford Clark	YES

*Ricky Burnett*

ATTEST: Ricky Burnett  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

\_\_\_\_\_  
Date

*Lamari Louise Mitchell*

ATTEST: Lamari Louise Mitchell  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

\_\_\_\_\_  
Date