

# LUMBEE TRIBE OF NORTH CAROLINA

ORDINANCE NO. 2005-0003

DATE: MAY 26, 2005  
AMENDED: NOVEMBER 16, 2006

## GENERAL ORDINANCE GOVERNING THE DUTIES OF THE TRIBAL COUNCIL OFFICERS AND DECORUM OF COUNCIL MEETINGS

**WHEREAS**, The Lumbee Tribe of North Carolina ("Lumbee Tribe") is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina ("Tribal Constitution") and its inherent powers of self-government;

**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

**THEREFORE**, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina this 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.
2. Elections for such officers will be held annually, within fifteen (15) days, following the swearing in of any newly elected Tribal Council member(s), unless otherwise determined by a simple majority vote of the Council.
3. It shall be the responsibility of the speaker to ensure that each Council meeting is opened and closed by prayer.
4. When deemed necessary, by a simple majority vote, a Parliamentarian may be elected, appointed or employed at the discretion of the seated Tribal Council.

### SECTION 2: TRIBAL COUNCIL MEETINGS

1. In accordance with Article VII, Section 1 of the Constitution of the Lumbee Tribe, the Tribal Council shall adopt rules and regulations governing the Council's procedure and decorum.
2. There shall be regular meetings of the Tribal Council as defined in a Resolution by the Tribal Council at the first annual meeting of each calendar year. The meetings for each calendar year shall be published and made available to the membership.

3. All proceedings of the Tribal Council shall be conducted in public session, except for proceedings certified in advance by the speaker as implicating privacy rights of a tribal employee or member. No proceedings of the Tribal Council shall take place in the absence of a quorum which shall constitute two-thirds (2/3) of the sitting council members and all decisions of the tribal council shall require an affirmative vote of the majority of present Council members.
4. In determining what number constitutes two-thirds (2/3) of the sitting Council members, the number will be rounded up to the nearest whole number.
5. The Speaker shall, upon the request of one-third (1/3) or more of the Council members or the written request of the Tribal Chairperson, schedule a special session of the Tribal Council, with at least five (5) days advance notice thereof to all members of the Tribal Council. Only in the most extreme of cases or circumstances can the Speaker with the approval of a majority vote of the officers, circumvent the five (5) day rule by calling an emergency meeting. Any request for a special session shall state the proposed agenda item and the special session shall be limited to consideration of the proposed agenda item. No business may be transacted if proper advance notice has not been provided to the members of the Tribal Council.
6. The Speaker shall prepare an agenda for every regular meeting, with copies provided to each council member postmarked within five (5) days in advance of the meeting. Supporting documents for an agenda item shall be filed with the Tribal Administrator for inclusion in mailed packages to the Tribal Council. To the extent possible, committees will refrain from conducting committee meetings during this seven (7) day period.
7. Any matter that needs to be added after the agenda has been sent to the Tribal Council shall be brought to the Speaker for consideration to be placed on the agenda.
8. If the Speaker decides against placing the new item on the agenda, a two-thirds vote of the members present can add an item to the agenda.
9. The agenda shall be enforced by the Speaker and shall consist of the following:
  - a. Debate of proposed ordinance(s) and other business
  - b. Items that require action by the Tribal Council
  - c. Remarks by the Tribal Chairperson and/or Tribal Administrator, should a request be made in advance, and
  - d. An allowed time for community remarks. Community remarks shall not exceed three (3) minutes per speaker.
10. The Speaker shall preserve order and decorum. Decency of speech shall be observed and disrespect to personalities carefully avoided. Any communication device shall not interfere with the conduct of the meetings.
11. All meetings of the Tribal Council shall open and close with a prayer.

12. All meetings of the Tribal Council shall follow and adhere to the greatest extent possible to the latest edition of Robert's Rules of Order unless otherwise provided by the Constitution or a tribal ordinance.
13. After an item has been introduced and a motion is on the floor:
  - a. The time limit on the debate shall be set at no more than fifteen (15) minutes, unless a simple majority votes to extend the length of the debate.
  - b. No member may speak more than once on the issue, but may offer one rebuttal to a comment of another council member. If a council member feels compelled to make a comment after his or her first rebuttal has been made, he or she can do so after everyone else has had an opportunity to speak.
  - c. A rebuttal shall be no longer than three (3) minute per person.
14. Voting – votes shall be according to the following:
  - a. Roll Call Vote – all votes that pertain to legislation (ordinances and resolutions) and measures shall be by roll call vote.
  - b. All other votes shall be according to Robert's Rules of Order.
15. Informational Reports from Committees shall be limited to five (5) minutes. During the report, the Committee Chairperson or designee shall report only their findings and recommendations on matters undertaken by the Committee. Committees should refrain from discussing matters in which they have no findings or recommendation to report.
16. To the extent possible, new matters shall be referred to Committees.

### **SECTION 3: COMMITTEES**

1. Tribal Council members shall select legislative committees to join. Interested community members may participate in an advisory capacity.
2. A chairperson shall be elected from the council members of the committee by members of the committee.
3. A record of committee actions shall be recorded by designee, and archived after approval.

#### **Definitions:**

Informational Reports - A summary of Committee meetings that includes the Committee's findings and recommendations.

### **CERTIFICATION**

**THIS "GENERAL ORDINANCE GOVERNING THE DUTIES OF THE TRIBAL COUNCIL OFFICERS AND DECORUM OF COUNCIL MEETINGS," ORDINANCE NO. 2005-0003, AMENDED AT A MEETING OF THE 19 SEATED MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 17 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 16<sup>TH</sup> DAY OF NOVEMBER, 2006 BY A VOTE OF 14 FOR, 3 AGAINST, 0 ABSTENTION(S).**

Lawrence T. Locklear

11/30/2006

ATTEST: Lawrence T. Locklear

Date

Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Wendy Moore-Graham

11/30/2006

ATTEST: Wendy Moore-Graham

Date

Secretary, Tribal Council of the Lumbee Tribe of North Carolina

James E. Goins

1-24-07

James E. Goins

Date

Chairman, Lumbee Tribe of North Carolina

**POSTING**

This "GENERAL ORDINANCE GOVERNING THE DUTIES OF THE TRIBAL COUNCIL OFFICERS AND DECORUM OF COUNCIL MEETINGS," ORDINANCE NO. 2005-0003, duly posted on this the 5th day of December, 2006.

Ruth B. Locklear

12-5-06

Ruth B. Locklear

Date

Tribal Clerk, Lumbee Tribe of North Carolina

**ROLL CALL VOTE RESULTS TO AMEND**

**ORDINANCE NO. 2005-0003, "GENERAL ORDINANCE GOVERNING THE DUTIES OF THE TRIBAL COUNCIL OFFICERS AND DECORUM OF COUNCIL MEETINGS"**

**14 FOR, 3 AGAINST, 0 ABSTENTION(S)**

District 1: Larece Hunt	<u>FOR</u>	District 8: Jerl Locklear	<u>FOR</u>
District 2: Sharon Hunt	<u>FOR</u>	District 9: Linda Hammonds	<u>FOR</u>
Gerald Goolsby	<u>FOR</u>	District 10: Jimmy McNeill	-----
District 3: Pam Spaulding	<u>FOR</u>	District 11: Richard Locklear	<u>FOR</u>
Vacant	-----	District 12: Danita Locklear	<u>FOR</u>
District 4: Vacant	-----	Shelley Strickland	<u>FOR</u>
District 5: Kent Hunt	<u>FOR</u>	District 13: Ricky Burnett	-----
John Lowery	<u>AGAINST</u>	District 14: Welford Clark	<u>FOR</u>
District 6: Frances Chavis	<u>FOR</u>		
Lawrence T. Locklear	<u>FOR</u>		
District 7: James Harold Locklear	<u>AGAINST</u>		
Joel Garth Locklear	<u>AGAINST</u>		
Wendy Moore-Graham	<u>FOR</u>		