

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2006-0720-01

DATE: JULY 20, 2006

GENERAL ORDINANCE ON CONTENT AND FORM OF ORDINANCES AND RESOLUTIONS

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 ON CONTENT AND FORM OF ORDINANCES AND RESOLUTIONS.**"

SECTION 1: ORDINANCES

1. All final decisions on matters of permanent interest shall be embodied in ordinances.
2. Ordinances may be presented for consideration by Tribal members according to the Tribal Constitution.
3. At any regularly scheduled meeting of the Tribal Council, a Tribal Council member ("Member") may present a topic for debate which shall then be referred to the Constitution and Ordinance Committee ("COC").
4. The COC shall proceed with the debate of any proposed topic at its next meeting.
5. The COC can propose an ordinance to the Tribal Council for debate or adoption, but the Tribal Council shall receive an ordinance presented for adoption in no less than five (5) business days before a vote by the Tribal Council.
 - a. All ordinances written and adopted by the Tribal Council shall be in accordance with the Tribal Constitution.
 - b. An initiative on a Tribal ordinance shall be in accordance with the Tribal Constitution.
 - c. A referendum on any Tribal ordinance adopted by the Tribal Council shall be in accordance with the Tribal Constitution.
 - d. Ordinances that affect the fundamental rights or interests of the Lumbee Tribe shall be in accordance with the Tribal Constitution.
 - e. Every ordinance shall begin with the words, "**THEREFORE**, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina this ordinance that shall be cited as "**NAME OF ORDINANCE.**"
 - f. All ordinances shall be signed by the Speaker, and in the absence of the Speaker, the Vice-Chairman, and Secretary of the Tribal Council, and in the absence of the Secretary, a designee of the Tribal Council shall sign the ordinance.
 - g. The Chairman shall have thirty days (30) from the date an ordinance is posted to sign it, otherwise, the ordinance is considered as vetoed by the Chairman.
 - i. If the Ordinance is signed by the Chairman, the Tribal Clerk or a designee ("Tribal Clerk") shall submit a copy of the signed ordinance to the Secretary

of the Tribal Council or designee (“Secretary”) who shall then submit a copy to each Member.

- ii. If the Chairman vetoes an Ordinance:
 1. The Chairman shall provide in writing to the Secretary the reasons for veto by the conclusion of the thirty (30) days.
 2. Then, the Secretary shall notify the COC chairperson and the Tribal Council before the next regularly scheduled meeting.
 3. The Tribal Council can override the veto of the Chairman according to the Tribal Constitution.

SECTION 2: POSTING OF ORDINANCES

1. Ordinances shall be posted according to the Tribal Constitution.
2. The Secretary shall be responsible for submission of the ordinance to the Tribal Clerk within five (5) business days of adoption by the Tribal Council.
3. In the absence of the Secretary, the COC chairperson shall submit the ordinance according to Section 2 (2) of this ordinance.
4. The Tribal Clerk shall notify the Tribal Chairman that an ordinance has been posted. The Tribal Clerk shall provide support documents, which verify that the Chairman has been properly notified of the posting of an ordinance, to the Secretary and COC chairperson.
5. The Tribal Clerk shall post an ordinance within five (5) business days throughout the Tribal territory in areas accessible or frequented by Tribal members. To the extent possible, postings shall include three or more of the following:
 - a. Permanent locations within the Tribal office that are viewable by Tribal members
 - b. Tribal web site
 - c. Local newspapers within the Tribal territory
 - d. Local community newspapers
 - e. Other areas as designated by the Tribal Clerk and Tribal Council.
6. Information about where an ordinance is posted shall be made available to Tribal members at the main office, the enrollment office and to the extent possible in other Tribal offices throughout the tribal territory.

SECTION 3: RESOLUTIONS

1. All final decisions on matters of temporary interest where a formal expression is needed shall be embodied in a resolution, noted in the minutes, and shall be available for inspection during normal business hours.
2. Every resolution shall begin with the words, "**THEREFORE**, Be it resolved by the Tribal Council of the Lumbee Tribe of North Carolina this resolution that shall be cited as "**NAME OF RESOLUTION.**"
 - a. All resolutions shall be signed by the Speaker, and in the absence of the Speaker, the Vice-Chairman, and the Secretary.

SECTION 4: WRITTEN FORM OF ORDINANCES AND RESOLUTIONS

1. All ordinances and resolutions shall be:
 - a. titled,
 - b. numbered for filing according to the structure CLLO/R-YYYY-MMDD-XX, where CLLO/R is Code of Lumbee Law Ordinance/Resolution, YYYY is the year the

legislation is adopted by the Tribal Council, MM is the month, DD is the day and XX is the approval sequence of the legislation at that meeting when multiple ordinances and resolutions are adopted.

- c. dated, and,
- d. shall cite the appropriate Tribal Constitutional authority.
2. Identify the name/title and number of the ordinance or resolution in the footer of each numbered page (page X of Y) of the typed document.
3. Ordinances and resolutions shall include a certificate, which shall:
 - a. Identify the date of enactment by the Tribal Council.
 - b. Show the presence of a quorum and the number of members voting for or against the proposed legislation, as well as any abstentions.
 - c. Identify the name/title and number of the ordinance or resolution in the body of the certificate.
4. All ordinances rescinded in a Referendum shall have attached to the rescinded ordinance, a certificate which shall reference the rescinded ordinance by name and number and show the number of members voting in favor of rescinding or keeping the challenged ordinance.
5. All ordinances or resolutions rescinded by the Tribal Council shall have attached to the rescinded legislation, a certificate which shall reference the rescinded legislation by name and number and show the number of members voting in favor of rescinding or keeping the challenged legislation, as well as any abstentions.
6. An ordinance that amends a previous ordinance adopted by the Tribal Council shall:
 - a. attach the amended ordinance to the proposed ordinance
 - b. reference the amended ordinance by name, date, and number in the proposed ordinance, and
 - c. state in the proposed ordinance the sections/numbers/paragraphs of the adopted ordinance in which there is an amendment.
7. The priority of resolutions shall be based on date of enactment, with the most recently enacted having the highest priority.
8. All ordinances and resolutions shall be posted according to this ordinance and recorded in a binder. To the extent possible, binders shall be made available upon request for viewing on-site at Tribal offices throughout the Tribal territory and open to public inspection during normal business hours.
9. All ordinances and resolutions shall be codified into a body of law that shall be titled Code of Lumbee Law.
10. All ordinances and resolutions shall be divided and codified as follows:
 - a. by area of applicability;
 - b. by name/title and number
 - i. A record of roll call votes shall be attached, when applicable.

CERTIFICATION

THIS “GENERAL ORDINANCE ON CONTENT AND FORM OF ORDINANCES AND RESOLUTIONS,” CLLO-2006-0720-01, ADOPTED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 20TH DAY OF JULY, 2006 BY A VOTE OF 17 FOR, 2 AGAINST, 0 ABSTENTION(S).

ATTEST: Lawrence T. Locklear _____ Date
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Wendy Moore-Graham
ATTEST: Wendy Moore-Graham _____ Date
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

James E. Goins _____ Date
Chairman, Lumbee Tribe of North Carolina

POSTING

This "**GENERAL ORDINANCE ON CONTENT AND FORM OF ORDINANCES AND RESOLUTIONS**," CLLO-2006-0720-01, duly posted on this the 5th day of December 2006.

Ruth B. Locklear
Ruth B. Locklear _____ 12-5-06
Tribal Clerk, Lumbee Tribe of North Carolina Date

*Pocket Veto
Overruled by
Tribal Council 11-6-2006
Be*