

LUMBEE TRIBE OF NORTH CAROLINA

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ORDINANCE NO. 2006-0001

DATE: MARCH 23, 2006

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

WHEREAS, Article II of the Constitution of the Lumbee Tribe of North Carolina defines the membership of the Tribe and the criteria for tribal membership; and

WHEREAS, The Lumbee Tribal Council realizes there is a need for community input regarding tribal membership.

THEREFORE, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance that shall be cited as "**ELDERS REVIEW COMMITTEE**".

SECTION 1: ROLE AND RESPONSIBILITIES OF THE ELDERS REVIEW COMMITTEE

The Elders Review Committee (hereafter referred as the ERC) shall be committee comprised of nine (9) members of the Tribe and five (5) ex-officio members. The ERC shall be appointed by each of the fourteen tribal districts. Thru some method of chance, the Tribal Council will determine which district appointees shall be members and which shall be ex-officio members

The ERC shall exercise the powers and perform the duties assigned to it by this Ordinance, and other such duties as may be assigned to it by the Tribal Council to carry out this ordinance.

Only those applications for enrollment that CANNOT be determined by the enrollment office as being definitive shall be presented to the ERC. Any tribal enrollment matter to be proven under this Ordinance must be proven to the satisfaction of the ERC by clear and convincing evidence.

In the matter of tribal enrollment, the ERC shall recognize that the burden of proof shall be upon the applicant to establish every element of eligibility for enrollment under the Constitution of The Lumbee Tribe of North Carolina.

SECTION 2: CRITERIA AND TERM OF APPOINTMENT FOR ELDERS REVIEW COMMITTEE

1. To serve as a member of the ERC, an individual must be
 - An enrolled member of the Tribe
 - A minimum age of 55
 - A resident of the territory of the Lumbee Tribe.
2. A member of the ERC may serve an appointed term of five years and is eligible to be re-appointed to the ERC, not to exceed two (2) consecutive terms.
3. Each appointee to the ERC shall receive guidance and instruction on the list below from the tribal enrollment office department head.
 - The criteria for new tribal enrollment
 - Continued tribal enrollment
 - What criterion are used to determine/measure contact with the Lumbee Tribe of North Carolina
4. An ERC member may be removed from his or her appointment for:
 - Violation of ERC criteria
 - Violation of any tribal law that removes appointees
 - Neglect of committee duty and responsibility or when there is clear evidence of misconduct that is detrimental to the responsibilities of the ERC and the role it serves within the Lumbee Tribal government
 - Prolonged mental or physical incapacity

SECTION 3: THE ELDERS REVIEW COMMITTEE MEETINGS AND DECORUM

1. In January of each year, the ERC shall meet and elect from its membership, a
 - Chairperson
 - Vice-Chair
 - Secretary
2. The ERC shall meet no less than every quarter of the calendar year and/or per the request of the Enrollment Office. A Committee quorum shall consist of seven (7) and a majority vote of five (5) is required on all matters. A member must be physically present to vote. The ERC Chairperson is a voting member of the committee.
3. The ERC shall address any committee matter/issue as soon as is reasonably possible. Upon being presented with a matter/issue, the ERC shall discuss and vote on the matter/issue in the same meeting. After any relevant notice periods have expired, and upon review, the Committee shall do the following:
 - a. Recommend approval or denial of the application to the Tribal Enrollment office, in writing, stating the reasons for approving or denying the application.

- b. Notify the applicant in writing within ten (10) business days of the ERC's decision and,
 - c. If the applicant has been denied, state the reasons for denial and the applicant's recourse.
4. ERC members shall refrain from discussing any item/matter outside the Committee setting.
 5. Detailed written minutes shall be taken of ERC meetings and a written record shall be kept of actions taken. Transcripts or recordings shall be made of all hearings conducted by the ERC, and these shall be permanently maintained by the Tribal Enrollment office.

SECTION 4: APPLICANT'S DUE PROCESS

An applicant shall be able to appeal the decision of the ERC to the judiciary branch.

Definitions:

Clear and Convincing Evidence: The term "clear and convincing evidence" shall be defined as clear, explicit, unequivocal, and so clear as to leave no substantial doubt, sufficiently strong to command the unhesitating assent of every reasonable man.

CERTIFICATION

THIS ORDINANCE NO. 2006-0001 ADOPTED THIS THE 23RD DAY OF MARCH, 2006 AT A MEETING OF TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA BY A VOTE OF 18 FOR, 2 AGAINST.

Kendy Moore-Graham 04/03/06
 Secretary of the Tribal Council of the Lumbee Tribe of North Carolina Date

James E. Bevi _____
 Tribal Chairman of the Lumbee Tribe of North Carolina Date

POSTING

This Ordinance No. 2006-0001 duly posted in the Office of the Lumbee Tribe of North Carolina on this the 3rd day of April, 2006.

Ruth B. Seffler 04-03-06
 Tribal Clerk of the Lumbee Tribe of North Carolina Date