

LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2006-0615-03

DATE: JUNE 15, 2006

CONSTITUTIONAL AMENDMENT #3: MULTIPLE OFFICES – TRIBAL CHAIRMAN

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

WHEREAS, Article XIII of the Tribal Constitution outlines the process for amending the Tribal Constitution. Article XIII, Section 1 states, "An amendment to the Constitution can be proposed by either two-thirds (2/3) vote of the Tribal Council or by a petition bearing the signatures of five (5) percent of tribal members eighteen years of age or older."; and

THEREFORE, Be it resolved by the Tribal Council of the Lumbee Tribe of North Carolina this resolution that shall be cited as "*CONSTITUTIONAL AMENDMENT #3: MULTIPLE OFFICES – TRIBAL CHAIRMAN.*"

THEREFORE, Be it further resolved, the Tribal Council proposes the following amendment to the Tribal Constitution. The amendment, to be added after Article VIII, section 2 (c), will become section 2 (d):

- d) It is beneficial that the responsibilities of self-government be widely shared among the citizens of the Tribe and that the potential abuse of authority inherent in the holding of multiple offices by an individual be avoided. Therefore:
 - i). no person who holds any office or place of trust or profit under the United States or any department thereof, or under any other state or government, shall be eligible to hold any office in this tribal government that is filled by election by the people.
 - ii). no person shall hold concurrently any two offices in this tribal government that are filled by election of the people.
 - iii). no person shall hold concurrently any two or more appointive offices or places of trust or profit, or any combination of elective and appointive offices or places of trust or profit in this tribal government, except as the Tribal Council shall provide by tribal law.
 - 1). The exception to the provisions of this section shall not prohibit any elected or appointed official to a religious organization from holding concurrently a position within this tribal government.
 - 2). A Tribal Chairperson serving at the time of enactment of this amendment is exempt from the requirement of Article VIII, section 2 (d) during his or her current term of office.

CERTIFICATION

THIS "CONSTITUTIONAL AMENDMENT #3: MULTIPLE OFFICES – TRIBAL CHAIRMAN,"
CLLR-2006-0615-03, 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 15TH DAY OF JUNE, 2006 BY A VOTE OF 14 FOR, 4
AGAINST, 0 ABSTENTION(S).

Lawrence T. Locklear 06/15/06
ATTEST: Lawrence T. Locklear Date
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Wendy Moore-Graham 06/15/06
ATTEST: Wendy Moore-Graham Date
Secretary, Tribal Council of the Lumbee Tribe of North Carolina