

LUMBEE TRIBE OF NORTH CAROLINA
PO BOX 2709
PEMBROKE, NC 27372
910-521-7861

VETO

ORDINANCE NO. 2002-0001

DATE: MAY 16, 2002

Amended #1 August 18, 2016

WHEREAS, The Lumbee Tribe of North Carolina, a recognized 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; and

WHEREAS, Article VII, Section 1 of the Constitution of the Lumbee Tribe of North Carolina delegates all legislative authority to the Tribal Council;

THEREFORE, Be it enacted by the Council of the Lumbee Tribe of North Carolina the following Ordinance that shall be cited as **“GENERAL ORDINANCE ON CONTENT AND FORM OF ORDINANCES AND RESOLUTIONS.”**

Section 1: All final decisions on matters of permanent interest shall be embodied in Ordinances. Ordinances may be proposed by any member of the Tribal Council at a regular meeting and such Ordinances may be discussed at that or subsequent meetings, depending on the will of the Tribal Council. Following debate, the Speaker shall direct a Committee or designee in conjunction with legal council to prepare a draft of the proposed Ordinance for consideration by the Tribal Council at a specified time.

1. The adoption of an Ordinance by the Tribal Council shall require an affirmative vote of the majority of the council members present, except that an affirmative vote of two-thirds (2/3) of all sitting Tribal Council members shall be required to override a veto of a Tribal Ordinance by the Tribal Chairperson.
2. All Ordinances written by the Tribal Council of the Lumbee Tribe of North Carolina shall be in accordance with Article VII, Section 6, of the Constitution of the Lumbee Tribe of North Carolina.
3. An initiative on a tribal Ordinance shall be in accordance with Article V of the Constitution of the Lumbee Tribe of North Carolina.
4. A referendum on any tribal Ordinance adopted by the Tribal Council shall be in accordance with Article VI of the Constitution of the Lumbee Tribe of North Carolina.
5. Ordinances that affect the fundamental rights or interests of the Lumbee Tribe of North Carolina shall be in accordance with Article VIII, Section 1 (b-c) of the Constitution of the Lumbee Tribe of North Carolina.
6. Every Ordinance shall begin with the words, "Be it enacted by the Council of the Lumbee Tribe of North Carolina." All Ordinances shall be signed by the Chairman and attested—by the Tribal council secretary.
7. The Chairperson shall have ten business days (10) from the date an Ordinance is submitted to sign it, otherwise, the Ordinance is considered approved by the Chairperson.

Section 2: 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 by members of the Tribe during normal business hours.

1. Every resolution shall begin with the words, "Be it resolved by the Council of the Lumbee Tribe of North Carolina." All resolutions shall be signed by the Chairman and attested—by the Tribal council secretary.

Section 3: The written form of Ordinances and Resolutions shall adhere to the following:

1. All Ordinances and Resolutions shall be dated and numbered, shall cite the appropriate constitutional authority, and shall include a certificate showing the presence of a quorum and the number of members voting for and against the proposed enactment.
2. All Ordinances passed by Initiative shall include a certificate showing the number of members voting for and against the proposed enactment.
3. All Ordinances rescinded in a Referendum shall have attached to the Rescinded Ordinance, a certificate showing the number of members voting in favor of rescinding or keeping the challenged Ordinance.
4. All Ordinances and resolutions shall be recorded in a binder and shall be open to public inspection by members of the Tribe during normal business hours.

CERTIFICATION

THIS "CLLO-2002-0001 "GENERAL ORDINANCE ON CONTENT AND FORM OF ORDINANCES AND RESOLUTIONS." ADMENDED AT A MEETING OF TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 18th DAY OF August, 2016, BY A VOTE OF 16 YES, 3 NO, AND 0 ABSTENTION(S).

Bill James Brewington 8/18/16
 ATTEST: BILL JAMES BREWINGTON DATE
 Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Jan Lowery 8/18/16
 ATTEST: JAN LOWERY DATE
 Secretary, Tribal Council of the Lumbee Tribe of North Carolina

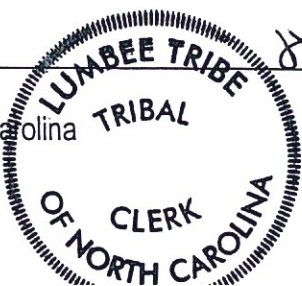
VETO

HARVEY GODWIN, JR 9/16/16
 Chairman, Lumbee Tribe of North Carolina DATE

POSTING

THIS CLLO-2002-0001 "GENERAL ORDINANCE ON CONTENT AND FORM OF ORDINANCES AND RESOLUTIONS" duly posted on this the 18 day of August 2016.

Belinda Brewer 8/18/16
 ATTEST: Belinda Brewer DATE
 Tribal Clerk Designee, Lumbee Tribe of North Carolina





Lumbee Tribe of North Carolina
The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: 2002-0001

Posted Date: 8/18/16

Presented to Tribal Chairman for Review: 9/16/16

Signature or Veto date:  9-16-2016 **VETO**

Pursuant to the power invested in me by Article VII, Section 1(c) of the Lumbee Tribal Constitution, I hereby veto Tribal Ordinance 2002-0001 entitled "General Ordinance on Content and Form of Ordinances and Resolutions". This ordinance is an amendment to an original ordinance passed in 2002, entitled "General Ordinance on Content and Form of Ordinances and Resolutions." Both ordinances are nearly identical except for Section 1 (7), changing "thirty days (30)" to "ten business days (10)" and "as vetoed" to "approved". Article VII Section 6 states "No Ordinance enacted by the Tribal Council shall be binding and effective until such ordinance has been posted in a place reserved for this purpose at the offices of the Tribal Council for a period of thirty (30) calendar days following its enactment". The intent of this was to allow the public time to view and comment on proposed ordinances before they are binding and effective upon the membership. Allowing the Chairperson only ten (10) business days to consider a proposed ordinance before signing does not give he or she sufficient time to consult with the membership, before taking a position on proposed ordinances. Nor does it allow the Chairperson to take into consideration the people's views before formulating his or her position. I believe this ordinance to be against the interest of the membership and unconstitutional, for this and the aforementioned reasons, I am vetoing this ordinance.

VETO

9/16/16

Date

Harvey Godwin, Jr.

Tribal Chairman of the Lumbee Tribe of North Carolina



Belinda Brewer

Tribal Clerk Designee of the Lumbee Tribe of North Carolina



9/16/16

Date

**ROLL CALL VOTE RESULTS TO ADOPT
ORDINANCE NO. 2002-0001 AMENDED #1 "GENERAL ORDINANCE ON CONTENT AND
FORM OF ORDINANCES AND RESOLUTIONS"**

16 YES, 3 NO, 0 ABSTENSION(S)

District 1:	LaKishia Sweat	NO
District 2:	Terry Hunt	ABSENT
	Janie McFarland	YES
District 3:	Alton Locklear	YES
	Lesaudri Hunt	YES
District 4:	Jonathan Locklear	YES
District 5:	Bobby Oxendine	YES
	Jarrold Lowery	YES
District 6:	Larry Townsend	YES
	Douglas Locklear	YES
District 7:	Reginald Oxendine	NO
	Jan Lowery	YES
	Bill Brewington	YES
District 8:	Daniel Jones	YES
District 9:	Anita Hammonds Blanks	YES
District 10:	Janet Locklear	YES
District 11:	Frank Cooper	YES
District 12:	Areatha Patterson	YES
	Shelley Strickland	NO
District 13:	William Maiden	ABSENT
District 14:	Barbara Lowery	YES

CERTIFICATION
SEPTEMBER 27, 2016
ROLL CALL VOTE RESULTS TO OVERRIDE
VETO "ORDINANCE NO. 2002-0001" AMENDED #1
17 YES, 0 NO, 0 ABSTENSION(S)

District 1:	LaKishia Sweat	YES
District 2:	Terry Hunt	YES
	Janie McFarland	YES
District 3:	Alton Locklear	YES
	Lesaudri Hunt	ABSENT
District 4:	Jonathan Locklear	YES
District 5:	Bobby Oxendine	YES
	Jarrod Lowery	YES
District 6:	Larry Townsend	YES
	Douglas Locklear	ABSENT
District 7:	Reginald Oxendine	ABSENT
	Jan Lowery	YES
	Bill Brewington	YES
District 8:	Daniel Jones	ABSENT
District 9:	Anita Hammonds Blanks	YES
District 10:	Janet Locklear	YES
District 11:	Frank Cooper	YES
District 12:	Areatha Patterson	YES
	Shelley Strickland	YES
District 13:	William Maiden	YES
District 14:	Barbara Lowery	YES