

LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2023-1003-01

Date: October 3, 2023

“Lumbee Tribe Holdings, Inc. Business Development Opportunities”

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

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

WHEREAS, The Lumbee Tribe of North Carolina (“LTNC”) passed CLLO-2011-0421-09 on April 21, 2011, authorizing the creation of a tribally-owned corporation; and

WHEREAS, The LTNC owns 100% of Lumbee Tribe Holdings, Inc. (“LTH”); and

WHEREAS, LTH was registered with the North Carolina Secretary of State on May 13, 2011; and

WHEREAS, LTH is properly registered with the North Carolina Secretary of State as a North Carolina corporation; and

WHEREAS, LTH, as a North Carolina corporation, is authorized by North Carolina Law to form a limited liability company(ies); and

WHEREAS, LTH, through action of its Board of Directors, is authorized by North Carolina Law to form a limited liability company(ies); and

WHEREAS, LTH formed Lumbee Tribe Enterprises, LLC, (“LTE”) a North Carolina limited liability company, on May 13, 2011; and

WHEREAS, The North Carolina Business Corporation Act (the “Act”) establishes under North Carolina Law that the management of a North Carolina corporation is controlled by its Board of Directors; and

WHEREAS, The LTNC passed CLLR-2019-0620-06 on June 20, 2019, supporting the reorganization of Board of Directors of the Lumbee Tribe Holdings, Inc.; and

WHEREAS, LTH has Bylaws, that vest all authority to manage LTH in the Board of Directors; and

WHEREAS, Section 1 of Article III of the LTH Bylaws state that, “[a]ll corporate powers shall be exercised by or under the authority of, and the business and affairs of the corporations shall be managed under the direction of the Board of Directors;” and

WHEREAS, The LTH Bylaws creates a four (4) member Board of Directors made up of the following: Chairperson of the Lumbee Tribe of NC, Tribal Administrator of the Lumbee Tribe of NC, Speaker for the Lumbee Tribal Council, and Treasurer for the Lumbee Tribal Council; and

WHEREAS, The LTNC passed CLLR-2020-0416-01 on April 16, 2020, supporting the LTH Board of Directors’ creation of additional companies for the primary purpose of creating economic benefits for the Lumbee Tribe of North Carolina; and

WHEREAS, LTH formed Lumbee IT Solutions, LLC, dba Lumbee Federal Solutions, LLC (“LFS”) a North Carolina limited liability company, on May 22, 2020; and

WHEREAS, LTH formed Lumbee 56 Construction, LLC, dba Lumbee 56, LLC (“L56”) a North Carolina limited liability company, on May 22, 2020; and

WHEREAS, The LTNC passed CLLR-2020-0820-05 on August 20, 2020, for the “purpose of funding Lumbee Tribe Holdings to form two companies [LFS and L56];” and

WHEREAS, All additional companies of LTH; shall be wholly-owned by the Lumbee Tribe, through LTH, and therefore eligible to participate in the 8(a) business development program as set forth by SBA; and

WHEREAS, SBA requirements (e.g. 13 CFR 124.109(c)(3)) limits a second 8(a) company’s ability to operate under the same primary North American Industry Classification System (“NAICS”) code as an existing Tribally-owned 8(a) or to receive an 8(a) sole source contract that is a follow-on contract to an 8(a) contract that was performed immediately previously by another participant owned by the same Tribe; and

WHEREAS, The LTNC passed CLLO-2020-0326-01 on March 26, 2020, amended on July 16, 2020, Lumbee Tribe Holdings Inc. Financial Reporting Requirements, to stay abreast of the business operations of LTH, which includes all companies established under its authority; and

WHEREAS, LTH seeks to establish additional companies for the primary purpose of creating economic benefits for the Lumbee Tribe of North Carolina; and

WHEREAS, LTH intends to start an additional company with a primary NAICS code of 541611 no later than December 31, 2023, that will participate in the 8(a) business development program as set forth by SBA; and

WHEREAS, LTH intends to start additional companies as best needed for future business opportunities, as decided by LTH, that may participate in the 8(a) business development program as set forth by SBA; and

THEREFORE, BE IT RESOLVED, The Tribal Council of the Lumbee Tribe of North Carolina hereby acknowledges the authority vested in the LTH Board of Directors to create additional companies, which shall only be created for primary purpose of creating economic benefits for the Lumbee Tribe of North Carolina. The Tribal Council hereby expresses its appreciation to the LTH Board of Directors for keeping the Tribal Council informed of its anticipated business development plans through the creation of additional companies in compliance with any applicable state or federal law. The Tribal Council hereby urges the LTH BOD to take any/all necessary steps to move expeditiously in creating additional companies and affiliated entities that will benefit our tribal members very soon, through business development opportunities. Finally, the Tribal Council hereby urges the LTH BOD to create job and small business opportunities for our skilled, talented, and committed Tribal members living in our territory as it decides which contracts/business opportunities to pursue.

CERTIFICATION

THIS **CLLR-2023-1003-01** "LUMBEE TRIBE HOLDINGS INC., BUSINESS DEVELOPMENT OPPORTUNITIES" ADOPTED AT A MEETING OF THE TWENTY- ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 17 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 3RD DAY OF OCTOBER, 2023 BY A VOTE OF 15 YES 0 NO, AND 0 ABSTENTION(S), 2 RECUSE(S).

Sharon Hunt 10/3/23
ATTEST: SHARON HUNT DATE
Speaker, Lumbee Tribal Council of the Lumbee Tribe of North Carolina

Nanci Locklear 10/3/23
ATTEST: Nanci Locklear DATE
Secretary, Lumbee Tribal Council of the Lumbee Tribe of North Carolina

ROLL CALL VOTE RESULTS TO ADOPT

CLLR-2023-1003-01 "LUMBEE TRIBE HOLDINGS, INC. BUSINESS DEVELOPMENT OPPORTUNITIES"

15 FOR, 0 AGAINST, 0 ABSTENTION(S), 2 RECUSE(S)

District 1:	Billy Oxendine	YES
District 2:	Sharon Hunt	RECUSE
	Gerald Goolsby	ABSENT
District 3:	Harold Smith	YES
	Pam Hunt	RECUSE
District 4:	Jody Bullard	YES
District 5:	Wendy Moore	YES
	Carrington Locklear	ABSENT
District 6:	Kristie Hunt	YES
	Richard Jones	ABSENT
District 7:	Nanci Locklear	YES
	Yvonne Dial	YES
	Rudy Locklear	YES
District 8:	Kathy Hunt	ABSENT
District 9:	Dewey J McNeill	YES
District 10:	Bobby Emanuel	YES
District 11:	Chocajuana Oxendine	YES
District 12:	Jo Doss	YES
	Annie Taylor	YES
District 13:	Alex Baker	YES
District 14:	Homer Fields	YES