

LUMBEE TRIBE OF NORTH CAROLINA

PO BOX

PEMBROKE, NC 28372

(910) 521-7861

ORDINANCE NO. 2002-005

DATE: October 17, 2002

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; and

WHEREAS, Article XI, Section 2 of the Constitution of the Lumbee Tribe of North Carolina states the first Tribal Council elected under this Constitution shall adopt an ordinance proscribing conflicts of interests in the performance of duties by elected and appointed tribal officials, and which ordinance shall require a tribal official to recuse him or herself from any decision or vote affecting his or her pecuniary interest or a family member.

THEREFORE, be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance that shall be cited as "ETHICS AND CONFLICT OF INTEREST."

Section 1: Ethics in performance of duty

1. A Tribal Council member, officer, or employee:
 - a. Shall not use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, any other public servant, or other person with any thing of economic value.
 - b. Must not use information that is gained in the execution of his or her office or employment and is not available to the general public to further or seek to further the member's private interest
 - (a) Must not use his or her office or employment to further private interest by seeking to influence a decision that is made by another person,
 - (b) Must not accept a fee, gift or personal benefit, except compensation authorized by tribal law, that is connected directly or indirectly with the performance of his or her duties of office or employment,
 - (c) Shall not use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person to engage in political activity.

- (d) Shall not disclose or use confidential information or information concerning economic development, perspective grants, or technology research or development which was received in his or her official tribal government capacity.

Section 2: Conflict of interest in performance of duty

2. A Tribal Council member must not exercise an official power or perform an official duty or function if the member has a conflict of interest or an apparent conflict of interest.
3. A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the Lumbee Tribal Government or any committee, must, if present at a meeting,
 - (a) Disclose the general nature of the conflict of interest, and
 - (b) Withdraw from the meeting without voting or participating in the consideration of the matter. If a person withdraws for the meeting because of a conflict of interest, he or she is still counted for purposes of a quorum.
4. If a member withdraws from discussion because of a conflict of interest, a written record should be made that includes the following:
 - (a) The withdrawal of the member from the meeting
 - (b) The general nature of the conflict of interest disclosed
5. A Tribal Council member, officer, or employee should not represent the interests of a third party who has an actual or potentially adversarial relationship with the Tribal Council of the Lumbee Tribe (i.e. as legal council, trustee, general agent or consultant)
 - (a) Shall not work for, be an agent or consultant of any entity that competes for the same contracts, grants, and/or services as the Lumbee Tribe of North Carolina,

Section 3: Conflict of interest in public contracting for bids and request

A Tribal Council member, officer, or employee shall not seek to induce the Tribal Council, officer, or employee to procure goods and/or services from the spouse or family member or from the client or principal of the Tribal Council member, officer, or employee.

1. The following shall be considered conflict of interest relationships in contracting for bids and services:
 - (a) An employee, officer or agent involved in making the award
 - (b) His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepson, stepdaughter, stepsister, half brother, and half sister
 - (c) His/her partner or
 - (d) An organization which employs, is negotiating to employ, or has an arrangement concerning prospective or any of the above

A conflict of interest exists if there is substantial interest by the Tribal Council member, officer, or employee and shall be judged by the following:

"Private interest" does not include an interest arising from the exercise of an official power or the performance of an official duty or function that

- (A) Applies to the general public,
- (C) Affects a member as one of a broad class of electors, or
- (D) Concerns the remuneration and benefits of a member or an office or employee.

CERTIFICATION

This ordinance adopted this the 17th day of October, 2002 at a meeting of the Lumbee Tribal Council by a vote of 12 for and 5 against.

Milton R. Shurt
Speaker of the Tribal Council of the Lumbee Tribe of North Carolina

Milton R. Shurt
Secretary of the Tribal Council of the Lumbee Tribe of North Carolina

Milton R. Shurt
Tribal Chairman of the Lumbee Tribe of North Carolina

POSTING:

This Ordinance duly posted in the Office of the Lumbee Tribe of North Carolina on this the 14th day of November, 2002 by the Person identified below:

Ruth B. Swickard
Signature

11-14-02
Date

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Delton Orending
Speaker of the Tribal Council of the Lumbee Tribe of North Carolina

Secretary of the Tribal Council of the Lumbee Tribe of North Carolina

Tribal Chairman of the Lumbee Tribe of North Carolina

POSTING:

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Ruth B. Tuckman
Signature

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Date