

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2009-1119-01

DATE: NOVEMBER 19, 2009

WHEREAS; The Lumbee Tribe of North Carolina ("Lumbee Tribe") , is a recognized 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-governance, and;

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

WHEREAS, The Preamble to the Constitution of The Lumbee Tribe of North Carolina states in part that its purpose is "securing justice and freedom for the Lumbee People.

THEREFORE, be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina that this ordinance shall be cited as the **ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, CONSULTANTS, AND APPOINTEES.**

SECTION 1: ELIGIBILITY FOR TRIBAL EMPLOYEES

1. No person shall be eligible for employment by the Lumbee Tribe of North Carolina, hereinafter referred to as the Tribe, who has been convicted of a felony under the laws of the State of North Carolina, hereinafter referred to as the State, or The United States of America, hereinafter referred to as the US, within 5 years since the end of active sentence, parole, and probation.

2. Employees with an employment date prior to the effective date of this ordinance shall be exempt from the provisions of Section 1, paragraph 1. However if an employee resigns or is terminated for cause, he or she will not be eligible for re-hire under the rules of this ordinance except as noted in Section 1, paragraph 1.

SECTION2: ELIGIBILITY FOR CONTRACTORS

1. No person shall be eligible to be engage in a contractual capacity with the Tribe who has been convicted of a felony under the laws of the State or the US, within 5 years since the end of active sentence, parole, and probation.

2. All contracts between the Tribe and contractors will include language containing these provisions in bold print, red print, or by some other method that clearly highlights these restrictions.

3. Contractors currently working under the conditions of a written contract for the Tribe who do not meet these requirements will not be eligible for contract renewal until conditions of Section 2, paragraph 1 are met.

4. Contractors currently in use by the Tribe without a written contract shall complete the current project they are working on and may be eligible for reengagement under the terms of a written contract provided the provisions of Section 2, paragraph 1 are met.

SECTION 3: ELIGIBILITY FOR CONSULTANTS

1. No person shall be eligible to work as a consultant for the Tribe who has been convicted of a felony under the laws of the State or the US within 10 years from the date of conviction.
2. All contracts between the Tribe and consultants will include language containing these provisions in bold print, red print, or by some other method that clearly highlights these restrictions.
3. Consultants currently under written contract by the Tribe who do not meet these requirements will not be eligible for contract renewal until conditions of Section 3, paragraph 1 are met.
4. Consultants currently in use by the Tribe without a written contract shall be dismissed within 30 days of the effective date of this ordinance. They may be eligible for reengagement by written contract if not in violation of Section 3, paragraph 1 of this ordinance.

SECTION 4: DEFINITIONS

1. Employees, contractors, consultants, and appointees shall be defined in accordance with the latest edition of Blacks Law Dictionary.

CERTIFICATION

CCC

THIS CLLO-2009-1119-02 "ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED
FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, CONSULTANTS, AND APPOINTEES",
ADOPTED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE
OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM,
THIS THE 19TH DAY OF NOVEMBER, 2009 BY A VOTE OF 19 FOR, 0 AGAINST, 0
ABSTENTION(S).

Ricky Burnett 11-23-09
ATTEST: RICKY BURNETT Date
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Lamari L. Mitchell 12-3-09
ATTEST: LARMARI LOUISE MITCHELL Date
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

VETO

JAMES E. GOINS Date
Chairman, Lumbee Tribe of North Carolina

POSTING

This CLLO-2009-1119-02 "ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED
FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, CONSULTANTS, AND APPOINTEES",
duly posted on this the 19TH day of November, 2009.

Ruth B. Locklear 11-23-09
ATTEST: RUTH B. LOCKLEAR Date
Tribal Clerk, Lumbee Tribe of North Carolina

ROLL CALL VOTE RESULTS TO ADOPT

CLLO-2009-1119-02

“ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, CONSULTANTS, AND APPOINTEES”

19 FOR, 0 AGAINST, 0 ABSTENTION(S)

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	YES
	Lamari Louise Mitchell	YES
District 3:	Laura B. Sampson	YES
	Pam Spaulding	YES
District 4:	Helen H. Locklear	YES
District 5:	Kernice Lee Locklear	YES
	Charles Bullard	YES
District 6:	James Deese	YES
	Larry Anthony Chavis	YES
District 7:	Ray Littleturtle	ABSENT
	James Harold Locklear	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	YES
District 10:	Bradley McMillian	ABSENT
District 11:	Linda Revels	YES
District 12:	Furnie Lambert Jr.	YES
	Shelley Strickland	YES
District 13:	Ricky Burnett	YES
District 14:	Welford Clark	YES



LUMBEE TRIBE OF NORTH CAROLINA

Jimmy Goins
Tribal Chairman

December 3, 2009

Rev. Ricky Burnette
Speaker of the Lumbee Tribal Council
Lumbee Tribe of North Carolina
PO Box 2709
Pembroke NC, 28372

Re: Veto of CLLO-2009-1119-02

Dear Rev. Burnette:

In accordance to the Article VIII 1© of the Constitution of the Lumbee Tribe of North Carolina, I exercise the right to veto the proposed ordinance CLLO-2009-1119-02
"ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, AND CONSULTANTS" for the following reason. After reading the ordinance I have it in good trust that I must veto this ordinance, because it is more restrictive than the original ordinance.

For example, based on the way the law is written, if a person has an original sentence of 5 years, and then is placed on probation for 10 years, this person cannot receive any services from The Lumbee Tribe of North Carolina for a total of 20 years after conviction. In the original ordinance that stated 10 years from the date of conviction, this same person would have been able to receive services from the Lumbee Tribe of North Carolina in a shorter time frame. It is my recommendation that the law be written 5 years from the end of conviction. Five years from the end of conviction gives our people the opportunity to receive help when and if needed.

Sincerely

Jimmy Goins, Tribal Chairman

Lumbee Tribe of NC
Post Office Box 2709
707 Union Chapel Road
Pembroke, NC 28372

Cc: Ms. Louise Mitchell, Secretary of the Lumbee Tribal Council

CERTIFICATION OF VETO OVERRIDE

THIS VETO OVERRIDE OF “**ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, AND APPOINTEES**” TRIBAL ORDINANCE CLLO-2009-1119-02 WAS CERTIFIED AT A MEETING OF THE 21 SEATED MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT , CONSTITUTING A QUORUM, THIS 19TH DAY OF NOVEMBER, 2009 BY A VOTE OF 19 FOR, 0 AGAINST, 0 ABSTENTION(S).

**ROLL CALL VOTE RESULTS TO ADOPT
TRIBAL ORDINANCE CLLO-2009-1119-02,
“ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL
EMPLOYEES, CONTRACTORS, AND APPOINTEES”
19 FOR, 0 AGAINST, 0 ABSTENTION(S)**

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Laura B. Sampson	YES
	Pam Spaulding	YES
District 4:	Helen H. Locklear	YES
District 5:	Kernice Lee Locklear	YES
	Charles Bullard	YES
District 6:	James Deese	YES
	Larry Anthony Chavis	YES
District 7:	Ray Littleturtle	ABSENT
	James Harold Locklear	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	YES
District 10:	Bradley McMillian	ABSENT
District 11:	Linda Revels	YES
District 12:	Furnie Lambert	YES
	Shelley Strickland	YES
District 13:	Ricky Burnett	YES
District 14:	Welford Clark	YES

Ricky Burnett 1-7-10
ATTEST: Ricky Burnett Date
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Lamari L. Mitchell Jan. 7, 2010
ATTEST: Lamari Louise Mitchell Date
Secretary, Tribal Council of the Lumbee Tribe of North Carolina