

LUMBEE TRIBAL COUNCIL BUSINESS MEETING MINUTES

For Thursday November 21, 2024 / 6:30pm
Tribal Complex/Livestreamed

Meeting Called To Order: Speaker, Dewey McNeill

Invocation: Harold Smith

Pledge of Allegiance: Bobby Emanuel

Preamble: Chocajuana Oxendine

Roll Call: Nanci Locklear

Ethics Statement read by Speaker, Dewey McNeill

Welcome: Speaker Dewey McNeill welcomed Tribal Administrator Ricky Harris, Finance Director, Sharon Bell, Governmental Affairs, Tammy Maynor, Legal Compliance Officer, Matt Roller, Tasha Oxendine, Kevin Melvin (Ag. Department), former Speaker, Anita Blanks, Dr. Lawrence Locklear, two newly elected Council Members, Mrs. Mary Locklear and Mr. Johnny Bell (District 9), Tribal Council's Attorney Daniel Locklear, and everyone that joined by Livestream.

Council Members Present at Roll Call: 19

Billy Oxendine

Graylen Mitchell

Gerald Goolsby

Pam Hunt

Harold Smith

Jody Bullard

Carrington Locklear

Wendy Moore

Larry Chavis

Yvonne Dial

Kathy Hunt

Dewey McNeill

Bobby Emanuel

Chocajuana Oxendine

Josephine Doss

Alex Baker

Homer Fields

Nanci Locklear

Larry Soles

Quorum established

Larry Chavis made a motion to send CLLO-2024-1121-01 "SALARY FOR THE TRIBAL CHAIRPERSON" back to committee for discussion.

Billy Oxendine 2nd the motion

Larry Chavis withdrew his motion

Bobby Emanuel made a motion to approve the agenda

Alex Baker 2nd the motion

VOICE VOTE

ALL IN FAVOR

CARRIED

Gerald Goolsby made a motion to approve the October Tribal Council Minutes & Actions

Bobby Emanuel 2nd the motion

VOICE VOTE

ALL IN FAVOR

CARRIED

Presentations/Recognition

In recognition of Native American History Month – Speaker Dewey J McNeill presented the Ag. Department with Magnolia High Schools FFA Jacket (pictures were taken)

Chairman's Report

Tribal Administrator, Ricky Harris gave the Chairman's Report. Mr. Harris reported that Smithfield Hams would be ready for Tribal Council Members to pick up and deliver on November 22, 2024 between 9am - 10am at the Tribal Maintenance Building.

Committee Reports

FINANCE – PAM HUNT

CLLO-2024-1121-01 "SALARY FOR TRIBAL CHAIRMAN"

Larry Chavis made a motion to send CLLO-2024-1121-01 "SALARY FOR THE TRIBAL CHAIRPERSON" back to committee for discussion.

Bobby Oxendine 2nd the motion

Gerald Goolsby made a substitute motion to vote the ordinance up or down with the change of taking the salary out and replacing it with compensation

Alex Baker 2nd the motion

ROLL CALL VOTE

15YES4N0ABS0RECUSE

CARRIED

Item came out of committee

Discussion for clarification concerning the Tribal Council Attorney's advisement on issues related to legality of creating an Ordinance for the Tribal Chairman's Salary and the protection and priority of allocated 30% for members' programs from LTH.

Alex Baker asked for clarification on the advisement the Tribal Council Attorney Daniel Locklear gave at the Constitution and Ordinance committee meeting. First, the Lumbee Tribal Holding issues funds to the Lumbee Tribe of North Carolina where a institution was created that supports funding for dentures, glasses and hearing aids for elders. Monies from LTH also supports the Stipends for Council, Chairman and it supports Council's Attorney Daniel Locklear's contract. Enlight of the Attorney's advisement, concerns have arose that the action is now a liability to the tribe replacing the 900.00 stipend with a salary that comes to the tribe, that will not be issued through the 8a contract 8a Corporation but issued much like the council's attorney's check and also the Council's stipends.

Attorney Locklear stated that the question in the meeting (C&O) was whether it should be an Ordinance.

Attorney Locklear stated that it was not necessary to create an ordinance, because if it was in an ordinance

form it creates a requirement that it must be paid because it becomes law and the Chairman would then get a salary. For more clarification, Attorney Locklear stated that In the event that Tribal Holdings didn't fund it (salary), it (monies) would have to come from somewhere else. To keep from putting the council in a position where they become liable to pay a salary in the event non-restricted funds was not available, an ordinance would make it law, a law would make a body (council) legally bound to provide that funding. Attorney Locklear further stated that the Lumbee Tribal Holding isn't an entity for which the board (council) can direct its actions because it's independent of the board (council). In that case you would be creating a law to make them pay you that you have no way to enforce because you can't make them pay you, thus is the reasoning the attorney wouldn't advise and ordinance to be created that requires a Chairman's salary. Everyone was aware that this was something that LTH had came up with and had decided to do, it wasn't going to affect the 30% that had been allotted, it was an action that that board had discussed and wanted to earmark money for it which is not an issue, Attorney Locklear stated he only discussed there wasn't a need to place it in an ordinance because you create a law and a law creates the requirement that it be paid. Councilmen Baker asked that if the attorney was suggesting that the tribe can appropriate and expend money outside of the Constitution requirement that it be in the ordinance, that budgets are passed and executed in ordinance form?

Attorney Locklear stated when this money would come from LTH, it would then be earmarked for that purpose. It would then go to the budget then the budget or finance committee would then ratify it into their ordinance as funds that had already been appropriated to the tribe by the LTH.

Councilman Baker stated that this was not so that when LTH gives money to the tribe it is the duty of the council to allocate that funding. Councilman Baker further discussed that the Council cannot allocate or budget funding outside an ordinance. Attorney Locklear agreed to that statement. Attorney Locklear stated again that what Councilman Baker was discussing was not the argument of discussion. Councilman Baker stated that rather than the attorney help craft legislation to execute the finance committees will (which they eventually did) with the last therefore (in the ordinance provided) does it distinguish if the funds are not available that the Chairman will not receive a salary. Attorney Locklear acknowledged that it did. Attorney Locklear restated that he was not in attendance for the meeting and when it was brought to him is was a different discussion that what it has turned into. Councilman Baker stated that he acknowledge that the attorney nor the chairperson were in attendance when discussion took place (finance meeting) therefore accurate information could not be relayed causing considerable confusion. Councilman Baker stated that regardless what action Council takes, not all 21 members will be in attendance if item is returned back to the committee. Councilman Baker asked for clarification, that the ordinance doesn't place LTH under liability and Attorney Locklear agreed that it would not. Further Councilman Baker stated that the ordinance is clear that the 30% of profits that originally had first and priority and must be paid prior to any salary paid to the Chairman. Attorney Locklear stated that whether or not you get the 30% wasn't part of the discussion. Councilman Baker stated that it is very Germaine for the Council because they want to protect the tribal members 30% as a priority and see that is funded prior to a Chairman's salary. Councilman Baker is asking that the attorney assist the council in ensuring and protecting the 30% profits that come to the tribe for Tribal Members first. Attorney Locklear stated that the 30% that was created for the tribe is what LTH decides to give, no one can demand that LTH give the 30%, that number is influx at all times been pending LTH's action. It is Attorney Locklear's understanding that LTH decided to give the 30% and on top of that they would give the money for the Chairman's salary. The Council cannot control weather LTH gives 30%, 5%, or weather they pay the Chairman's salary or not, the council decides what to do with funds that LTH gives. Chairman Baker asked Attorney Locklear if the ordinance provided protects the tribal members part first and is it reflected as the priority, Attorney Locklear agreed. Lastly Councilman Baker asked if the law is clear, if there is not enough to pay the 30% to the tribal members for their programs the chairman does not receive compensation. Attorney Locklear agreed that the ordinance provided states 30% is first, and then the chairman gets what's left if there is anything left. Attorney Locklear added one last final comment, the way it was presented to him was this would create a salary position, once you create a salary position then you have to pay it. If you just leave it as a compensation matter or ever how you would like to designate it. Once a position is created it requires a salary then it has to be funded, that is different than what is been discussed which maybe where the lines of communication has not crossed up. The language that was used

"were going to pay the chairman a salary" verses this is an allocation from LTH as a compensation to the chairman for efforts, is where the most confusion may have come from. Attorney Locklear stated that either way, "no it doesn't have an effect on the 30% or ever how the money is budgeted per the provided ordinance". Further discussion between the present Tribal Council Members took place, which touched on transparency, the Constitution, the tribal chairman being an elected official not an employee, council members receiving stipends and job description and fringe benefits.

CLLO-2024-1121-02 "STEWARDS GRANT BUDGET"

ROLL CALL VOTE
19YES0N0ABS0RECUSE
CARRIED

Item came out of committee

CLLO-2024-1121-03 "HOMELESS STUDENTS FUNDING BUDGET"

ROLL CALL VOTE
19YES0N0ABS0RECUSE
CARRIED

Item came out of committee

CLLR-2024-1121-02 "REDW ADVISORS & CAPS AUDIT FIRM"

ROLL CALL VOTE
19YES0N0ABS0RECUSE
CARRIED

Item came out of committee

CONSTITUTION AND ORDINANCE – Bobby Emanuel

CLLR-2024-1121-01 "RESOLUTION OF CONDEMNATION AGAINST UNITED INDIAN NATIONS OF OKLAHOMA"

ROLL CALL VOTE
19YES0N0ABS0RECUSE
CARRIED

Alex Baker made a motion to accept

Item did not come out of committee

Economic Development – Gerald Goolsby

CLLR-2024-1121-03 "RESOLUTION FOR TRAVEL FROR ECONOMIC DEVELOPMENT MEMBERS"

Alex Baker made a motion to add item

Pam Hunt 2nd the motion

VOICE VOTE
ALL IN FAVOR

Item did not come from committee

ROLL CALL VOTE
15YES4N0ABS0RECUSE
CARRIED

Community Comments

Dr. Cherry Beasley gave an update on the outcome of the SAM GRANT, the purpose of the grant is to help set priorities and after the assessment what the recommendations are to address. All the required interviews have been completed but they will continue to do additional interviews to ensure that there is someone from each district. Dr. Beasley stated that a lot of areas are reporting that the tribal council and the tribal government is denying and ignoring the problems of substance abuse. The Samson's recommends a gathering of Native Americans and the following dates for this event are January 30, 31, February 1, 2025. SAMPSA will bring in all the facillitators and will be responsible for any financial oblations for the event. An additional \$2000.00 will be added to the original budget that can be used to support the activities.

Lena Sanderson, District 6 requested that the tribe assist with the moving of her mobile home.

Dr. Lawrence Locklear, introduced his students from UNCP, his class has been discussing the United Indian Nations of Oklahoma. He expressed his gratitude in the tribe exercise its sovereignty and responding to the misinformation that being shared about our people.

Anita Blanks – District 9, Expressed concern that the Ordinance for the Chairman’s Salary was passed but not read. She is requesting a copy of the Ordinance. Concerns when speaking about funding from LTH and LTE the council seems like they are not able to receive information and don’t know what’s going on but have representatives on both boards. Ms. Blanks stated that there was a court case back in June, Council was ordered to amend the Election Board Ordinance that was dated June 7, 2024 but it has not been done. Ms. Blanks question to the council is why hasn’t it been done and since it hasn’t been done when will it be done because it was a court order.

Mrs. Pam Hunt read “for the record” the CLLO-2024-1121-01 “COMPENSATION FOR TRIBAL CHAIRMAN”

Calendar Review

- November 4 – Finance 6:30pm.
Housing 7:30pm.
- 7 – Constitution and Ordinance 6:30pm.
Education 7:30pm.
- 11 – Tribal Office Closed, Veterans Day
- 14 – District 14 Community Meeting 6:00pm.
- 19 – Tribal Elections 6:30am. – 7:30pm.
- 21 – Tribal Council Business Meeting 6:30pm.
- 28 – Tribal Offices Closed Thanksgiving
- 29 – Tribal Offices Closed
- December 3 – Finance Work Session – 6:30pm.
Finance – 7:00pm
Housing – 7:30pm.
- 5 – District 12 Community Meeting
- 9 – ANR – 6:30pm.
Economic Development – 7:30pm.
- 10 – C&O – 6:30pm.
Health – 7:30pm.
- 19 – Tribal Council Business Meeting – 6:30pm.
- 23 – 27 Tribal Office Closed for Holiday
- 31 – Tribal Office Closed for Holiday

Billy Oxendine made a motion to adjourn

There were no objections

Benediction was given by Homer Fields