

# Bertie County Board of Commissioners



October 6, 2016  
**6:00pm**

	Ronald "Ron" Wesson	District 1
	Stewart White	District II
	Tammy A. Lee	District III
Chairman	John Trent	District IV
Vice Chairman	Ernestine (Byrd) Bazemore	District V

# BERTIE COUNTY BOARD OF COMMISSIONERS

October 6, 2016

Meeting Agenda

*This agenda is only a tentative schedule of matters the Commissioners may address at their meeting and all items found on it may be deleted, amended or deferred. The Commissioners may also, in their absolute discretion, consider matters not shown on this agenda.*

**4:00-4:05** Call to Order and Welcome by Chairman Trent

**4:05-4:10** Invocation and Pledge of Allegiance by Vice Chairman Bazemore

**4:10-4:25** Public Comments (*3 minute time limit per speaker*)

(A)

\*\*\* APPOINTMENTS \*\*\*

**4:25-4:35** (1) Presentation by Jim Gerber of North Carolina Emergency Management and the National Flood Insurance Program

**4:35-4:45** (2) Storm Update by Mitch Cooper, Emergency Services Director

## Board Appointments (B)

1. There are no Board Appointments.

## Consent Agenda (C)

1. Approve minutes for Regular Session 9-6-16
2. Approve minutes for Work Session - 9-6-16 and 9-14-16
3. Approve minutes for Closed Session – 9-6-16
4. Approve minutes for Emergency Meeting – 9-25-16
5. Approve minutes for Joint Session – 9-26-16
6. Register of Deeds Fees Report – September 2016

## \*\*\*OTHER ITEMS\*\*\*

### Discussion Agenda (D)

1. Discuss draft of 2016-2017 Board of Commissioners meeting schedule
2. Set date for 2016 Employee Appreciation Luncheon – proposed date of Thursday, December 8<sup>th</sup>
3. Review of Tax Appeals:
  - a) Estate of Queenie Bond by Barbara Evans
  - b) Coastal Medical Transport by Tim Bazemore, Jr.
  - c) Southern Band Tuscarora Indian Tribe by Marilyn Mejorado

## Commissioners' Reports (E)

### County Manager's Reports (F)

### County Attorney's Reports (G)

### Public Comments Continued

*\*3 minute time limit per speaker\**

### Closed Session

Pursuant to N.C.G.S. § 143-318.11(a)(3) to go into closed session to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body.

Pursuant to N.C.G.S. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approves the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

Pursuant to N.C.G.S. § 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Pursuant to N.C.G.S. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of employment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

### Recess



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** A-1

**DEPARTMENT:** Governing Body

**SUBJECT:** Presentation by Jim Gerber of North Carolina Emergency Management and the National Flood Insurance Program

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** FYI only.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** FYI only.

**ATTACHMENTS:** No

**LEGAL REVIEW PENDING:** N/A

**ITEM HISTORY:** ---



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** A-2

**DEPARTMENT:** Governing Body

**SUBJECT:** Storm Update by Mitch Cooper, Emergency Services Director

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** FYI only.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** FYI only.

**ATTACHMENTS:** No

**LEGAL REVIEW PENDING:** N/A

**ITEM HISTORY:** ---





# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** C-1

**DEPARTMENT:** Governing Body

**SUBJECT:** Approve minutes for Regular Session 9-6-16

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Recommend approval.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Recommend approval.

**ATTACHMENTS:** Yes

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---

**Windsor, North Carolina**  
**September 6, 2016**  
**Regular Meeting**

The Bertie County Board of Commissioners met for their regularly scheduled meeting inside the Commissioners Room located at 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald "Ron" Wesson, District I  
Stewart White, District II  
Tammy A. Lee, District III  
John Trent, District IV  
Ernestine (Byrd) Bazemore, District V

Absent: None

Staff Present: County Manager Scott Sauer  
Clerk to the Board Sarah S. Tinkham  
Assistant County Attorney Jonathan Huddleston  
Finance Officer William Roberson  
Economic Development Director Steve Biggs  
Jackia Chamblee

Leslie Beachboard of the Bertie Ledger-Advance, and Gene Motley of the Roanoke-News Herald were present from the media.

**CALL TO ORDER**

Chairman Trent called the meeting to order and thanked those present for their attendance.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Lee led the Invocation and Pledge of Allegiance.

## **PUBLIC COMMENTS**

Jackia Chamblee came forward to present her report from the 2016 NCACC Conference in Winston-Salem. She served as one of the youth delegates, and during her time at the conference, she networked with and interviewed her local County Commissioners. Commissioner Wesson was one of her interviewees, and commended her for her hard work as a youth representative of Bertie County.

Windsor YMCA Director, Casey Owens, was present to present the Board with commemorative plaques for their dedication of service to Bertie County citizens. There was a brief pause for media photos.

There were no other public comments.

## APPOINTMENTS

### **Presentation by Jennie Bowen, Region Q Workforce Development Director, Mid-East Commission**

Region Q Workforce Development Director, Jennie Bowen, was present to update the Board on the programs they are administering here in Bertie County through the NC Works Career Center on Granville Street.

Ms. Bowen described the impact of the Workforce Innovation and Opportunity Act (WIOA).

The program is designed to provide assistance to low-moderate income individuals with on the job training opportunities, financing for educational opportunities (via Individual Training Accounts for approved occupational courses and majors), as well as remediation and work experience for Youth participants.

A large focus of the WIOA program include: adults, dislocated workers, and youth between the ages of 16 and 24. Youth participants are eligible when meeting certain age requirements, or a combination of age requirements and various barriers such as criminal record, teen pregnancy, etc.

Bertie County NCWorks Center Manager, as well as WIOA Youth Case Manager, Andre Rowe, was present to answer questions from the Board.

He was commended by the Commissioners for his outreach and hard work regarding both adult job fairs and the WIOA youth program.

### **Tobacco-Free Initiatives presentation by Lisa Phillips, Albemarle Regional Health Services, and Pam Diggs of the NC Tobacco Prevention Control Branch**

Lisa Phillips of Albemarle Regional Health Services (ARHS) introduced Pam Diggs of the NC Tobacco Prevention Control Branch.

Ms. Diggs provided a brief presentation regarding the latest general statutes and health impacts of traditional cigarettes, and e-cigarettes for vaping.

Ms. Phillips and Ms. Diggs also requested that the Board consider a “tobacco free” initiative of some kind at the County Administration Building, and other public places, if they desire to do so.

Healthy food initiatives were also discussed, and all citizens present were highly encouraged citizens to purchase produce from local Farmer’s Markets.

Commissioner Lee made a **MOTION** for the County Attorney to draft a “tobacco free” ordinance prohibiting smoking and tobacco product use in County buildings, within 75 feet of an entrance to a County building, and in County vehicles. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

## **Presentation by Patricia Heath of Princesses on a Mission**

Patricia Heath, CEO and Founder of Princesses on a Mission, was present to introduce her organization to the Board.

Princesses on a Mission is a non-profit, 501(c)(3) organization based in Bertie that assists families and children with cancer and other rare or terminal diseases. The organization plans parties as well as various hospital and home visits for children.

Princesses visit a child's home or hospital room with gift bags, activities, arts and crafts, and other items to "brighten the child and family's day during treatments or hospital stays."

The Princesses organization also provides bereavement services and referrals to support groups for parents and families looking for support.

Commissioner Wesson highly encouraged Ms. Heath to reach out to the State Employees Combined Campaign for funding opportunities.

### **BOARD APPOINTMENTS**

Commissioner Bazemore made a **MOTION** to appoint Lillian Faulk and Gwen Bond-Williams to the Nursing Home/Adult Care CAC Board. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** in a 4-1 vote with Commissioner Wesson voting against.

Commissioner Wesson requested that his thoughts on this matter be reflected on the record.

He stated that he was not opposed to more citizens serving on this Board, "as they [more members] are needed."

Commissioner Wesson referenced the Board's meeting in Colerain on March 21<sup>st</sup> where Ms. Faulk and Ms. Williams spoke.

He further explained that he knew both Ms. Faulk and Ms. Williams "very well," and "intimately," but stated "I do not believe these are the two people we need on this Board, and I think they would be a detriment to the Board, in fact."

He asserted again that his statements were made based on his own experience with both individuals.

Lastly, he mentioned that when appointing individuals to serve to various committees that we need to be sure we are "appointing people that will be a positive influence."

He also stated that he "did not believe these two would be a positive influence."

## CONSENT AGENDA

Upon review by Chairman Trent, Commissioner Wesson made a **MOTION** to approve the Consent Agenda items below. Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Consent Agenda was approved as follows:

1. **Minutes** – Regular Session 8-22-16, Joint Meeting 8-24-16
2. **Project Fund Agreement, Series Resolution, and Bond Order** – BB&T’s proposal at 1.23% for the amount of \$1,717,000 – Water District III
3. **Fees Report** – Register of Deeds – August 2016
4. **Certification of Eligibility** – Trillium Playground Grant
5. **Release Journal** – Tax Department – June 2016

## DISCUSSION AGENDA

### **Review and consider continued effort to reactivate 2009 Rural Center grant and project ordinance approved previously on September 21, 2015**

After various efforts, County Manager Sauer announced that the State has now approved the County’s request to reactivate this funding. Plans to make various improvements to the Kelford area system as a part of Water District IV, and without objection, staff will proceed under the capital project ordinance previous approved, and the project will be pushed forward to completion within twelve (12) months according to Mr. Sauer.

## **Proposed Agenda for September 14<sup>th</sup> Work Session**

County Manager Sauer reminded the Board about the Planning Session scheduled for next Wednesday, September 14<sup>th</sup> at 2:00PM. The Board received a copy of topics in their electronic agenda packet.

The topics listed are in need of discussion, and County Manager Sauer requested that the Board to further prioritize them as necessary.

### **Discuss or approve first draft of 2016-2017 Board of Commissioners meeting schedule**

The Board reviewed a proposed draft of the 2016-2017 Board of Commissioners meeting schedule.

No action was taken.

## **COMMISSIONER'S REPORTS**

Commissioner Wesson expressed concerns with the Bertie County Board of Election's recent decision to pass along its authority to the State regarding the reinstatement of three (3) early voting stations in the County, as well as some recent decisions made by the Supreme Court regarding NC voting law. He stated that the Board of Elections was "elected to represent and serve the interests of the citizens of Bertie County, but rather than do that, [and I think we were the only Board in this region], they punted that to the State, and asked the State to decide how many early voting places we had." Commissioner Wesson asserted that the decision was not made due to funding concerns, and per his conversation with the Chairman of the Board of Elections, the decision to forward the authority to the State was made due to the Board's inability to decide as a group. He reminded the Board that "four years ago, this County had one of the highest voting percentages that it has ever had in a Presidential election because of those three early voting stations...so to go back to one, as [some] members of that board would like to do, it was not a unanimous vote, I think is a crime. I want to make sure citizens are that the people on that Board who were elected to represent them in this County did not do their job, and they kicked it back to the State to decide." A decision on this matter has not yet been provided by the State, and Commissioner Wesson stated that he hoped the State would give the decision back to the County for additional consideration. Lastly, he expressed that every citizen in this County

should have every opportunity to vote in this election, and that this election should have been conducted by the Board of Elections the way it was four years ago.

Vice Chairman Bazemore reported that on August 30<sup>th</sup>, Governor Pat McCrory was present at a Grand Opening celebration for New Cherry Hospital in Goldsboro, NC. The hospital will increase the number of psychiatric beds to 313 – approximately 100 of these beds will be for patients of Bertie County.

Commissioner Lee announced that she was asked to serve as the Grand Marshall of the Greater Wynns Grove Community Day scheduled for Saturday, September 24<sup>th</sup>. The parade begins at 10:00AM.

Commissioner White congratulated all who were involved in securing the PARTF Grant for Bertie County so that the County may improve parks and recreational opportunities for all citizens.

### **COUNTY MANAGER'S REPORTS**

County Manager Sauer gave no remarks at this time.

### **COUNTY ATTORNEY'S REPORTS**

County Manager Sauer gave no remarks at this time.

### **CLOSED SESSION**

Commissioner Wesson made a **MOTION** to go into Closed Session pursuant to N.C.G.S. § 143-318.11(a)(3) to go into closed session to consult with the County Attorney in order to preserve the attorney-client privilege that exists between the attorney and this public body. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.



**OPEN SESSION**

Commissioner Lee made a **MOTION** to return to Open Session. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

**PUBLIC COMMENTS**

There were no public comments during this section. No members of the public were present.

**RECESS**

Chairman Trent recessed the meeting until 2:00PM on Wednesday, September 14<sup>th</sup> where the Board plans to meet for a Planning Session at the Roanoke-Cashie River Center.

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John Trent, Chairman

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Sarah S. Tinkham, Clerk to the Board



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** C-2

**DEPARTMENT:** Governing Body

**SUBJECT:** Approve minutes for Work Session 9-6-16 and 9-14-16

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Recommend approval.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Recommend approval.

**ATTACHMENTS:** Yes

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---

**Windsor, North Carolina  
September 6, 2016  
Work Session**

The Bertie County Board of Commissioners met for their regularly scheduled meeting inside the Commissioners Room located at 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald “Ron” Wesson, District I  
Stewart White, District II  
Tammy A. Lee, District III  
John Trent, District IV  
Ernestine (Byrd) Bazemore, District V

Absent: None

Staff Present: County Manager Scott Sauer  
Clerk to the Board Sarah S. Tinkham  
Assistant County Attorney Jonathan Huddleston  
Finance Officer William Roberson  
Economic Development Director Steve Biggs  
Parks and Recreation Director Donna Mizelle

**Mr. James Eure, President of Partners for Hertford County Public Schools Foundation in Ahoskie will present background and operational guidance based on the Hertford County collaborative project to develop housing for school teachers.**

Mr. James Eure, President of the Partners for Hertford County Public Schools Foundation, was present as a representative of the Partners for Hertford County Public Schools Foundation. He was asked to speak to the Board about Hertford County’s experience in applying for SECU Foundation funding for an affordable teacher and government employee apartment complex.

The complex is approximately 11 years old.

Bertie County is preparing to submit a Letter of Interest for funding from the SECU Foundation to build similar housing in Windsor.

In summary, Mr. Eure discussed the specifics of the apartment complex. He stated that there were 24 units that feature 2 bedrooms, and 2 bathrooms. Square footage of each unit is 1,053 square feet. Kitchens in each unit include a refrigerator, garbage disposal, oven, and dishwasher. Rent each month is deducted via the renters SECU accounts. The rent amount is \$625 per month which includes utilities and maintenance.

Primarily, the apartments are available to Hertford County Public School teachers, but at times, are made available to local government employees if there is a significant number of vacancies.

The complex sits on approximately 9 acres of land that is now owned by the Hertford County Public School System.

Mr. Eure stated that he is also the Property Manager and assists new occupants with moving in and acclimation, maintenance needs, as well as “turning over” apartments for new renters.

The area of the complex also features small pavilions and charcoal grills for smaller gatherings.

Also, Mr. Eure described the inner workings of the project including the process Hertford County followed to make this project happen.

First, he described the Letter of Interest, and Bertie County also receive a copy of said letter. Then, he discussed the approval process by the SECU Foundation. After, Hertford County requested quotes from architects and contracts to actually build the apartment complex.

After various quotes were received, Mills Construction was selected to build the complex. Mr. Eure highly recommended the work of Freddie Mills of Mills Construction in Raleigh, NC.

Lastly, Mr. Eure mentioned that Hertford County Public Schools, and as well as the Hertford County Public Schools Foundation, came together regarding the funding needed to maintain the complex via County tax dollars and fundraising opportunities.

In conclusion, Mr. Eure provided his recommendations on how Bertie County could move forward with the project, and stated that it would be beneficial for the County to have a strong vision in mind. He noted that having a few proposed locations for the complex available, as well as figure out who could become the Property Manager for the complex.

The Board asked questions and there was a short discussion following Mr. Eure’s presentation.

**Recreation Master Plan Update—Dr. Paige Viren and Mr. David Hodges will share a proposed schedule for community input sessions and other outreach strategies to develop countywide comprehensive recreational programming. They will also seek the Board’s guidance and direction for the “visioning process” to guide the future planning for recreation facilities and services for all areas of the County.**

Dr. Paige Viren, as well as two student interns, were present. Their names are Christopher Worsinger, a Graduate Student, and Kayla Maness, undergraduate student in her senior year of the Recreation & Park Administration program.

David Hodges of East Carolina University was also present to address the Board.

The following recreational community advocates from around Bertie County, ranging from students to senior citizens, were also present including: Barbara Alexander, Josephine Williams, Clara Outlaw, Doris Rascoe, Rosa Leary, and Irene Spivey.

Dr. Viren also discussed the next steps that would need to be taken to continue forward with the County’s proposed Master Plans for the water front project on the Albemarle Sound. One of those items of discussion was the scheduling of public input sessions.

Additionally, she requested the Board’s feedback on an extensive Parks and Recreation survey that would be distributed to the public at these public input sessions in order to better gauge the interests of the public for future additions to the County’s current program.

Lastly, the idea of a Parks and Recreation Committee was discussed. She recommended that the Board consider creating such committee, and appointing 5-7 individuals to it with passionate interest in the project. The committee should consist of involved citizens, as well as county employees, and a representative from Cooperative Extension, the local YMCA, and other recreation partners within the County.

The Board requested that this topic be placed on the September 14<sup>th</sup> Planning Session agenda.

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John Trent, Chairman

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Sarah S. Tinkham, Clerk to the Board



**Windsor, North Carolina**  
**September 14, 2016**  
**Work Session**

The Bertie County Board of Commissioners recessed their September 6<sup>th</sup> regular meeting in order to meet today for a planning work session at the new Sheriff's Office located at 222 County Farm Road. The meeting took place between 2:00 and 5:00PM. The following members were present or absent:

Present:        Ronald "Ron" Wesson, District I  
                  Stewart White, District II  
                  Tammy A. Lee, District III  
                  John Trent, District IV  
                  Ernestine (Byrd) Bazemore, District V

Absent:         None

Staff Present: County Manager Scott Sauer  
                  Clerk to the Board Sarah S. Tinkham  
                  Assistant County Attorney Jonathan Huddleston  
                  Finance Officer William Roberson  
                  Tax Administrator Jodie Rhea

There were no media members present.

**RECONVENE**

Chairman Trent called the meeting to order.

**ANNOUNCEMENTS**

Assistant County Attorney, Jonathan Huddleston, announced that Clif Smith welcomed his first child with wife, Peggy, this past weekend. Their new daughter's name is Isabella.

County Manager Sauer notified the Board that Albemarle Regional Public Library Director, Teresa Cole, has officially retired from the library system. He stated that the Library Board is in the process of hiring an interim director until a permanent replacement can be secured.

Also, County Manager Sauer reminded the Board of the pre-construction conference for Water District III will be held on Tuesday, September 27 at 11:00 AM inside the County Commissioners Room at the County Administration Building.

The Board then began addressing the rest of the agenda topics and action items.



The Board received the following items in their work session folders to coincide with today's discussions:

- Topics for discussion
- Recent Board of Education correspondence
- County Buildings itemized request
- Copy of manager's evaluation form
- ECU homework and proposed schedule and names
- Administration building suggested lettering
- Tobacco & Smoking restriction options
- Perdue Farms decision by NCPTC
- Environmental Enhancement Grant guidelines
- ABC "mixed beverage" NC General Statutes
- Recreation survey examples
- Travel Policy

## **DISCUSSION**

### **NC Property Commission pending appeal from Perdue Farms**

Tax Administrator, Jodie Rhea, was present for this discussion.

County Manager Sauer began with the notification that Perdue Farms was planning to file an appeal of the latest decision the Property Tax Commission to dismiss their first 2012 revaluation appeal.

Tax Administrator Rhea notified the Board that he had also received word on September 8<sup>th</sup> to inquire about whether or not the Board would be interested in meeting to resolve this matter rather than taking it to the NC Court of Appeals.

After some discussion, the Board came to a consensus that they would wait to see if Perdue filed a notice of appeal.

### **Guidance on Board of Education's request and schedule joint meeting**

County Manager Sauer briefly summarized the most recent joint meeting that took place with only a few members of each Board on August 24<sup>th</sup>.

In that meeting, the Commissioners were notified that the Bertie County Public School System has discovered an estimated shortfall of at least \$500,000 for the new academic year with impacts for nearly one hundred staff. This would be broken down into monthly payments of \$42,000 over a 12-month period.

During today's discussion, the Commissioners expressed their concerns about the school system's current audit in progress, as well as their desire to see serious consideration being made to the consolidation of the Early College and the new Bertie High School.

Vice Chairman Bazemore stated that "a lack of planning on their part does not equal an emergency on our part," and that she hoped the Board of Education would be more open at this point to consider more dramatic cost saving strategies.

A short discussion ensued regarding the Board of Education's latest comments about why the Early College and Bertie High School could not be combined onto one campus. The general feedback received was that this practice was not allowed under NCDPI provisions. County Manager Sauer then brought forth evidence of the contrary where this has been successfully implemented in other counties via a waiver from the NCDPI

In order to address the concerns of both Boards, Commissioner Lee made a **MOTION** for the County to provide the first payment of \$42,000 with some contingencies in order for the school system to receive the next payment. Additionally, the motion also addressed a proposed meeting date of Monday, September 26<sup>th</sup> a 9:00AM for both Boards to meet and discuss appropriate strategies to address the shortfall including a potential "equity proposal and partnership." Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Per additional conversation, the County Manager is to prepare a letter listing the following conditions that will apply to the motion stated above:

- Joint meeting to review the earlier discussions which occurred in the interim Superintendent's office on August 24<sup>th</sup> for the benefit of both Boards since only five of the ten elected officials were present that day.
- Auditor's preliminary report for the fiscal year ended June 30, 2016 to include initial findings or concerns regarding the school system's current cash position.
- Steps toward campus consolidation beginning with the transfer of the Early College Program to the new high school or the 900 building on the former high school campus. As reported to the governing body on September 14<sup>th</sup>, in January 2016 the State approved eight (8) location waivers for the requirement that the Early College programs be housed on a separate campus, in most cases due to lack of space at the local community college in various local school systems.
- To facilitate the joint vehicle maintenance and fuel purchase initiatives, fifty percent (50%) equity or ownership of the fuel tanks and the new bus garage and related equipment will be transferred to the County. Oversight for bulk fuel purchases for gasoline and diesel fuel will be supervised by the County.
- Transfer of title and ownership of the former South West middle school campus (Early College high school) to the Bertie County Board of Commissioners for the consideration of \$1.00.

- Change in legal counsel for the Board of Education to use a local attorney.
- Report to the Board of Commissioners regarding academic performance and end of grade (EOG) testing for all grade levels.
- Report to the Board of Commissioners regarding average daily membership as of the 10<sup>th</sup> day September for the number of students enrolled as compared to the same figure from one year ago.
- Report to the Board of Commissioners regarding Central Office staffing and recent rotation of program directors and principals.

### **Refinement of the housing project initiative and operational sustainability**

In light of Mr. James Eure’s presentation (as a representative of Partners for Hertford County Public Schools) at a recent Board meeting, decisions are necessary regarding the organizational structure, and oversight for day-to-day operations.

County Manager Sauer also reminded the Board to consider the current needs being addressed by the old DSS Building as a storage space for various County Departments. He also recommended that the Board address potential options to replace this space, and have those costs be incorporated into the planning process. Lastly, there is the issue of destroying or relocating county records currently being stored at the site.

Assistant County Attorney, Jonathan Huddleston, also addressed various legal matters surrounding the project including land deeds, the advantages of a non-profit, corporation, or foundation in securing the project more efficiently.

### **Hotel project**

This item was tabled.

### **Public Buildings---project updates**

The Board was taken on a brief tour of the new Sheriff’s Office as they were already meeting in the Sheriff’s Office Board Room. Staff was settling in well. Some items still need to be addressed, but overall, the new Sheriff’s Office was ready for move in when it began in mid-September.

County Manager Sauer reported that Courthouse renovations were underway. It was stated that painting had begun on first floor of the courthouse, and once that is completed, the second floor would receive the same treatment.

Next, County Manager Sauer reported that he had receive tenant requests from the renters inside the DRC building on Granville Street. The requests pertained to ADA compliance repairs and building security concerns from the Probation Office.

Commissioner White made a **MOTION** to approve \$13,000 in additional contingency funds to be added to the Public Buildings budget to address these issues. Vice Chairman Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

Lastly, County Manager addressed the latest actions with addressing HVAC related concerns inside the Administration Building. He reported that all HVAC work had been completed, and that the attic of the building had been cleaned and sanitized. The Board also came to a consensus of the positioning of lettering on the Administration Building on the Dundee Street side of the building.

### **Non-Emergency Transport**

The Board discussed an office relocation for the Non-Emergency Transport Division from its existing space in the DRC building to the former Sheriff's Office building on Dundee Street.

Parking behind the DRC facility is very cramped with 3 to 4 ambulances, plus staff vehicles. The offices in the DRC building are well suited for the appraisal team who will be on site for 18+ months during the revaluation process.

Commissioner White made a **MOTION** for the Non-Emergency Transport Division be relocated to the old Sheriff's Office Building, as is. If there is any expense for painting or carpet, it be absorbed by the department budget. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **Revaluation**

Tax Administrator Jodie Rhea was present for this discussion.

Effective January 1, 2020, the County will begin its thirty-six (36) month process in January 2017 with the announcement to receive proposals by the County, followed by the RFP selection process for the mass appraisal contractor. Contractor responsibilities will include development of the schedule of values, field work by appraisal staff for the 18,300 parcels, informal & formal appeals and final notices of value sent to property owners.

### **Regional Landfill Host Agreement**

The Board set a calendar for developing negotiating criteria for renewal of the twenty (20) year franchise and landfill host agreement for Republic Services, which expires in mid-October 2018. The Board also requested that Republic Services Representative, Josephine Aiken, return to a Commissioner meeting to address various citizen concerns.

### **Review water projects for all Districts**

The pre-construction meeting for Water District III improvements is set for September 27<sup>th</sup> at 11:00 a.m. Design work for Water Districts II and IV continues.

### **Mixed Beverage Voter Referendum**

The Board reviewed pending questions with the County Attorney regarding information for permits, facilities or law enforcement for “liquor by the drink” in advance of the November 8<sup>th</sup> election.

### **Blue Jay Recreation Park**

Mr. Sauer reported that in addition to taking quotes from local contractors for the parking lot grading and materials, Maintenance Director, Anthony Rascoe has received a proposal from NCDOT to handle this project in conjunction with the driveway access improvements.

Mr. Woody Pierce is working on a plan to have his crews install the pipes and construct four (4) forty-foot driveway entrances to the parking area, in addition to handling the grading and compacting.

Mr. Pierce has suggested that his pricing on the “crush & run” material (estimated 300 tons) will save the County significant costs. For comparison, Mr. Rascoe has sought quotes from two local contractors for this project. Commissioner White suggested another contractor, Mr. Gerald Waters, for additional price comparison.

### **Countywide Recreation Master Plan**

The Board reviewed the latest progress and proposed community input session schedule for the remainder of September, October and November.

The Board also provided recommendations for citizen appointments to the recreation advisory committee, identified agency representatives, as well as instrumental community partners who to participate in planning and program offerings.

### **TGOW/Albemarle Sound Waterfront**

The Board began outlining facility management strategies and alternatives, including use of high school CADET students and graduates. Also, they discussed NCSU School of Design & Landscape Architecture’s proposed scope of work. NCSU faculty have expressed that their participation will extend beyond the academic year and provide continuity for site layout, facility design and trail development.

Chairman Trent made a **MOTION** to authorize the County Attorney to extend the deadline for securing the access easements for the 137-acre tract as requested by Mr. Alex Rich and approve a new deadline of December 19<sup>th</sup>, 2016 which allows an additional ninety (90) days.

Commissioner White **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **PARTF--\$500,000 approved for TGOW land acquisition**

County Manager Sauer stated that in November, the County should receive the grant agreement, as well as a contract that binds the County to use this property for recreation purposes for a period of 25 years.

Agreements for PARTF grants are due back to Raleigh in January, after which time funds will be available for disbursement.

The Board also discussed the addition of a Welcome Center.

### **Next PARTF**

Mr. Sauer also alerted the Board that another PARTF grant application will be due May 1, 2017. Following presentation of the comprehensive master plan for county wide recreation, the County will have the foundation for preparing the next PARTF application and designation for grant funds based on the Board's priorities and acceptance of the master plan.

### **Environmental Enhancement Grant by Attorney General's Office**

County Manager Sauer stated that grant information was provided by Stacey Feken of the Albemarle Pamlico Natural Estuary Partnership, who was referred to the County through Commissioner Lee. He announced that grants were available in amounts up to \$500,000, and a letter of intent is due September 30<sup>th</sup>, and the application is due November 10<sup>th</sup>, 2016.

The grant has strict program guidelines and a focus on conservation, preservation, and restoration of natural and environmental resources. The project description that may best fit Bertie County is the "long term environmental enhancement and environmental education" category and could provide funds toward establishing an education center, where programs such as the "Sound to the Sea" program recently presented by several local elementary school teachers and principals, could be offered.

Vice Chairman Bazemore made a **MOTION** to move forward with the application for this additional grant. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **CAMA Application**

Communication with the property owner of the 10.35 acre-tract has been received, but there has been no consensus as of yet.

### **Other grant opportunities**

Blue Jay Park or other facilities focused on disabled veterans and handicapped children may be available through the PARTF Connect NC Bond monies (\$3 million statewide), and applications are due December 1<sup>st</sup>.

### **Charters of Freedom**

Commissioner Lee updated the Board on the progress of the Charters of Freedom project status and discussed the proposed locations for the monument. She stated that the Hope Plantation, new Bertie High School, Albemarle Sound front, and grassy area near the old Sheriff's Office have all been placed on the list of potential sites. She also stated that the committee has chosen to go with the glazed cement option to cut down on costs. A donation has been received for the full amount of the monument.

### **Chief Building Inspector**

The Board discussed the upcoming retirement of Chief Building Inspector, G.T. Pittman. There was a consensus for the County to go ahead and advertise for this position so that the new Inspector could potentially shadow Mr. Pittman before his retirement.

### **Veterans Service Office**

After a discussion with Mr. Milton Parker, Veteran Services Officer, Mr. Sauer reported that he was in favor of being classified as a full time employee with full time hours. The Board instructed County Manager Sauer to move forward with this change.

### **Fire Service Funding Options**

No additional discussion was needed on this item, and the Board instructed the County Manager to move forward as necessary.

### **Salary study recommendations**

The Board was in favor of continuing the discussions and implementation options after the impact of the proposed new sales tax has been realized.

It is very likely that the "new revenue" will not be evident and received at the local level until November.

### **Public Safety and Private Road Access Ordinance**

The consensus of the Board was that they were ready to consider the most recent draft of this ordinance received from the County Attorney.

### **Dangerous Weapons Ordinance—review first draft—review latest draft**

The consensus of the Board was that they were ready to consider the draft of this ordinance received from the County Attorney.

### **Smoking and Tobacco Prohibition Ordinance—confirm elements for first draft**

The consensus of the Board was that they were ready to receive and consider a draft of this ordinance from the County Attorney.

### **Broadband access**

This item was discussed but no action was taken.

### **Review County property currently under lease**

A separate report will be forthcoming at a future meeting.

### **OPEB Actuarial Study**

County Manager Sauer reported that data has been sent to the actuarial team for review and analysis of post-employment benefits (retiree health insurance) and options presented for consideration with the budget. Report is anticipated by December.

### **QSCB Sinking Fund**

County Manager Sauer informed the Board that the financial advisors are continuing to review trends and upward movement of the interest rate to lock in at 2.0 percent or above for the QSCB sinking fund.



## **Manager's Evaluation**

The Board came to a consensus to complete County Manager Sauer's evaluation upon the completion of the Board's joint meeting with the Bertie County Board of Education on September 26<sup>th</sup>.

## **RECESS**

Chairman Trent recessed the meeting until 9:00AM on Monday, September 26<sup>th</sup> in order to have a joint meeting with the School Board inside the Commissioners Room at the County Office Building located at 106 Dundee Street, Windsor, NC 27983.

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John Trent, Chairman

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Sarah S. Tinkham, Clerk to the Board



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** C-3

**DEPARTMENT:** Governing Body

**SUBJECT:** Approve minutes for Work Session 9-6-16 and 9-14-16

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Recommend approval.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Recommend approval.

**ATTACHMENTS:** Yes

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** C-4

**DEPARTMENT:** Governing Body

**SUBJECT:** Approve minutes for Closed Session 9-6-16

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Recommend approval.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Recommend approval.

**ATTACHMENTS:** See envelope.

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---

**Windsor, North Carolina  
September 25, 2016  
EMERGENCY MEETING**

Chairman John Trent called for an emergency meeting today inside the Commissioners Room located at 106 Dundee Street, Windsor, NC 27983 at 6:30PM. The following members were present or absent:

Present: Ronald "Ron" Wesson, District I  
Stewart White, District II  
Tammy A. Lee, District III  
John Trent, District IV  
Ernestine (Byrd) Bazemore, District V

Absent: None

Staff Present: County Manager Scott Sauer  
Finance Officer William Roberson

Leslie Beachboard of the Bertie Ledger-Advance and Jennipher Dickens of the Roanoke-Chowan News Herald were present, as well as various television media outlets.

**CALL TO ORDER AND WELCOME**

Chairman Trent called the meeting to order and thanked those present for their attendance.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

Commissioner White led the Pledge of Allegiance and provided the Invocation.

**PURPOSE OF MEETING BY CHAIRMAN TRENT**

Chairman Trent gave the following remarks:

*Good evening and let us again thank God that Bertie County experienced no loss of life during this flooding event.*

*I believe that each County Commissioner kept his or her own prayer vigil for the people of Bertie County these past few days and nights.*

*We should also thank our first responders and especially those volunteers for the many hours spent protecting life and property during this flooding event.*

*During the last five days we have witnessed the best that Bertie County has to offer in the care, compassion and tireless efforts to protect and assist our fellow citizens.*

*We also received strong support from the NC Emergency Management staff who have been on the ground with us at the Emergency Operation Center.*

*And we owe a special debt of gratitude to the City of Fayetteville, the City of Greensboro and the Town of New Bern for sending their swift water rescue teams to assist our first responders.*

*I have spent many hours this week speaking with mayors and fire chiefs across this County, and this truly was an “all county” event from the first rescue responses in Colerain to the massive flooding in the Town of Windsor and the surrounding areas.*

*I believe that Town of Windsor Mayor Jim Hoggard shares the perspective that from a fire, law enforcement and emergency management approach, it was all hands on deck, and all of us working together.*

*Downtown Windsor experienced devastating business losses, and citizens from Colerain’s Long Branch community to residents along Toby Lane and other areas are suffering disruption to their lives and loss of entire households.*

*We need to continue to support our neighbors and one another in the weeks and months ahead.*

*And I am very thankful that Sheriff Holley and his office and the Communications Center were relocated prior to this event. It would have been disastrous to have his personnel and equipment confined by the water blocking the streets near the prior location on Dundee Street.*

*Throughout these past few days I have had regular calls from the Governor’s Office through the Eastern Director, Steve Keen. Today, Mr. Keen and the Governor’s security detail and “advance team” were on the ground in Bertie County to plan for a visit by the Governor tomorrow, and I would like Sheriff Holley to review the schedule for tomorrow.*

**INCIDENT BRIEFING AND RECOVERY PROCESS BY EMERGENCY SERVICES**  
**DIRECTOR, MITCH COOPER**

There was a brief discussion about the recovery process now that Tropical Storm Julia has passed.

**DISASTER RECOVERY CENTER ACTIVATION BY EMERGENCY SERVICES**  
**DIRECTOR, MITCH COOPER**

Additionally, Emergency Services Director, Mitch Cooper, discussed the disaster recovery center activation process.

**ACTION TAKEN TO MITIGATE IMPACTED COUNTY FACILITIES BY COUNTY  
MANAGER SAUER**

County Manager Sauer summarized the actions needed to mitigate impacted county facilities including EMS Station 1 behind Southern Bank as well as the Cooperative Extension building, and other offices currently being threatened by rising waters such as the old Sheriff's Office building.

**DISCUSSION**

Commissioner Lee made a **MOTION** for the Board to waive all permit and inspection fees for properties and businesses impacted by Tropical Storm Julia. Vice Chairman Bazemore **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Commissioners each expressed concern and empathy for those persons attending the meeting who were impacted by this flooding. Also, the Commissioners emphasized the importance of getting information out to the public especially through social media

**PUBLIC COMMENTS**

Several citizens asked questions and relayed their concerns to the Commissioners.

**ADJOURN**

Commissioner Lee made a **MOTION** to adjourn this Emergency Meeting. Chairman Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

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John Trent, Chairman

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Sarah S. Tinkham, Clerk to the Board



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** C-5

**DEPARTMENT:** Governing Body

**SUBJECT:** Approve minutes for Joint Session 9-26-16

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Recommend approval.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Recommend approval.

**ATTACHMENTS:** Yes

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---



**Windsor, North Carolina**  
**September 25, 2016**  
**Joint Meeting**

The Board of Commissioners recessed its work session on Wednesday, September 14<sup>th</sup> in order to meeting jointly today with the Bertie County Board of Education. The following members were present or absent:

Present:           Ronald “Ron” Wesson, District I  
                      Stewart White, District II  
                      Tammy A. Lee, District III  
                      John Trent, District IV  
                      Ernestine (Byrd) Bazemore, District V

Absent:           None

County Staff Present:   County Manager Scott Sauer  
                                  Finance Officer William Roberson

Board of Education Members present: Tarsha Dudley, Chair  
  Bobby Oceana, Vice Chair  
  Emma Johnson  
  Jo Davis Johnson

**CALL TO ORDER**

Chairman Trent called the Bertie County Board of Commissioners to order. Chair Dudley of the Board of Education did the same.

## DISCUSSION

Chairman Trent reviewed the following timeline of recent correspondences and joint meetings with the Board of Education regarding school funding:

April 26<sup>th</sup> -- Meeting in Raleigh with NC Department of Public Instruction staff: Ms. Alexis Schauss, Director of DPI Financial and Business Services, and Mr. Philip Price, Chief Financial Officer for NCDPI to address Low Wealth Supplemental funding deficiency.

April 26<sup>th</sup> -- Follow-up email from Ms. Schauss providing spreadsheet of the option discussed with County and School officials from Bertie County, noting “noting it will take adjustments to the appropriations through 2016-17.”

April 27<sup>th</sup> -- Bertie County correspondence to NCDPI and Ms. Schauss committing to restore and replace the noted funding deficiency with an appropriation of \$328,188 above the minimum required for FY 2016-2017 current expense funding.

May 5<sup>th</sup> -- NCDPI email to Bertie County Finance Officer confirming “the Department has accepted the remedy from County and the actions, as proposed, correct the supplanting violation. No further action is required at this time.”

June 9<sup>th</sup> -- Letter to Superintendent White confirming budget for FY 2016-2017 for school current expense of \$3,003,000 and \$375,000 for capital outlay—an increase of \$110,000 over the current year appropriation.

Also, the correspondence noted the Board of Commissioners interest in discussing “consolidation of campuses and reducing the financial burden of maintaining physical plant facilities for school buildings that are underutilized.”

In addition, the correspondence encouraged “the opportunity for shared use cooperative facility arrangements for the County and the School System in the areas of joint fueling for vehicles and vehicle maintenance and repairs.

August 24<sup>th</sup> -- Meeting with interim Superintendent Walker and the Board of Education Chairman and Vice Chairman to discuss a budget shortfall of approximately \$500,000 and options to address this issue—see Minutes of this meeting attached.

September 14<sup>th</sup> -- Board of Commissioners meet to discuss school funding challenge and seek joint meeting, approve \$42,000 in additional funds from contingency, and develop proposed equity partnership plan and conditions for monthly funds to continue.

The Commissioners also expressed concern for the current budget situation and reviewed its discussions on September 14<sup>th</sup> and the motion approved as follows:

Commissioner Lee made a **MOTION** for the County to provide the first payment of \$42,000 with some contingencies in order for the school system to receive the next payment. Additionally, the motion also addressed a proposed meeting date of Monday, September 26<sup>th</sup> at 9:00AM for both Boards to meet and discuss appropriate strategies to address the shortfall including a potential “equity proposal and partnership.” Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

The Commissioners then reviewed the proposed partnership plan and conditions, in addition to the attached correspondence and reports from the NC Department of Public Instruction:

- 1) Auditor’s preliminary report for the fiscal year ended June 30, 2016 to include initial findings or concerns regarding the school system’s current cash position.
- 2) Transfer of the Early College Program to the new high school or the 900 building on the former high school campus.
- 3) Transfer of fifty percent (50%) equity and ownership of the fuel tanks, the new bus garage and related equipment to the County and establish joint vehicle maintenance and fuel purchase initiative. Oversight for bulk fuel purchases for gasoline and diesel fuel will be supervised by the County.
- 4) Transfer of title and ownership of the former South West Middle School campus (Early College High School) to the Bertie County Board of Commissioners for the consideration of \$1.00.
- 5) Change in legal counsel for the Board of Education to use a local attorney.
- 6) Report to the Board of Commissioners regarding academic performance and end of grade (EOG) testing for all grade levels.
- 7) Report to the Board of Commissioners regarding average daily membership as of the 10<sup>th</sup> day September for the number of students enrolled as compared to the same figure from one year ago.

- 8) Report to the Board of Commissioners regarding Central Office staffing and recent rotation of program directors and principals.

At the suggestion of School Board Chairman Tarsha Dudley, it was decided that the Board of Education will need additional time to review these items and discuss as a Board, prior to responding to the Commissioners.

**ADJOURN**

Chairman Trent adjourned the Bertie County Board of Commissioners at 10:30AM.

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John Trent, Chairman

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Sarah S. Tinkham, Clerk to the Board



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** C-5

**DEPARTMENT:** Register of Deeds

**SUBJECT:** Register of Deeds Fee Report – September 2016

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Recommend approval.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Recommend approval.

**ATTACHMENTS:** Yes

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---

Sarah



# Bertie County Register of Deeds

Annie F. Wilson  
Register of Deeds

P.O. Box 340  
Windsor, NC 27983  
252-794-5309  
[www.bertie-live.inttek.net](http://www.bertie-live.inttek.net)

NORTH CAROLINA  
BERTIE COUNTY

TO: THE BOARD OF COUNTY COMMISSIONERS:

Agreeable to and in compliance with Chapter 590 of the Public Local Laws of North Carolina, Sessions 1913, I beg leave to submit the following statement of all fees, commissions, etc. of any kind collected by me as Register of Deeds for the month of September 30, 2016 and for an itemized statement thereof, I respectfully refer you to the following books in my office.

### AMOUNT SUBJECT TO GS 161-50.2

10-0030-4344-01	REAL ESTATE REGISTRATION-----	\$3,275.60
10-0030-4344-03	VITAL STATISTICS-----	\$1,330.00
10-0050-4839-02	MISCELLANEOUS(NOTARY OATHS/PHOTO COPIES, ETC)-----	\$161.05
10-0030-4344-04	NO. MARRIAGE LICENSE----- <u>8 @ \$60.00</u> -----	\$480.00
		<u>\$5,246.65</u>
10-0018-4240-01	N. C. STATE EXCISE STAMP TAX-----	\$5,004.00
10-0030-4344-10	STATE TREASURER FEE----- <u>107 @ \$6.20</u> -----	\$663.40
	STATE VITAL RECORDS----- <u>2 @ \$14.00</u> -----	\$28.00
		<u>\$10,942.05</u>
10-0000-1251-00	A/R IN/OUT(REFUND)-----	
		<u>\$10,942.05</u>

*Annie F. Wilson*  
REGISTER OF DEEDS - BERTIE COUNTY  
*By: Shamedia R. Williams*

### FOR INFORMATIONAL PURPOSES

D/T /MORTGAGES-----	<u>24 @ \$6.20=</u>	<u>\$148.80</u>
ADDITIONAL PAGES-----	<u>26 @ \$0.40=</u>	<u>\$10.40</u>
DEEDS & OTHER INSTRUMENTS-----	<u>91 @ \$1.94=</u>	<u>\$176.54</u>

\*\*A Total of .25 cent was not included on receipt #24803 on September 6, 2016.

\*\*A Total of .25 cent was not included on receipt #24924 on September 20, 2016



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** D-1

**DEPARTMENT:** Governing Body

**SUBJECT:** Discuss draft of 2016-2017 Board of Commissioners meeting schedule

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Recommend approval.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Recommend approval.

**ATTACHMENTS:** Yes

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---

## 2017 MEETING SCHEDULE - BERTIE COUNTY BOARD OF COMMISSIONERS

Meeting Date	Time	Meeting Area	Meeting Location
1/3/2017* Tues.	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
1/17/17* Tues.	7:00 PM	Powellsville	Powellsville Town Hall, 106 E. Main St., Powellsville
2/6/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
2/20/17	7:00 PM	Merry Hill	Mid-Way Community Building, 112 NC 45 North, Merry Hill
3/6/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
3/20/17	7:00PM	Roxobel	Roxobel Community Building, 211 E. Church St., Roxobel
4/3/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
4/17/17	7:00PM	Colerain	Perrytown Volunteer Fire Department, 848 Perrytown Road, Colerain
5/1/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
5/15/17	7:00 PM	Indian Woods	Blue Jay Fire Department, 1653 Indian Woods Road, Indian Woods
6/5/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
6/19/17	7:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
7/3/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
7/17/17	7:00 PM	Lewiston-Woodville	Perdue Farms, 3539 Governors Road, Lewiston-Woodville
8/7/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
8/21/17	7:00 PM	Aulander	Aulander Community Building, 116 S. Commerce St., Aulander
9/5/17* Tues.	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
9/18/17	7:00 PM	Colerain	Trap Volunteer Fire Department, 213 Valentine Farm Road, Colerain
10/2/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
10/16/17	7:00 PM	Kelford	Kelford Community Building, 107 Broadway Street, Kelford
11/6/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
11/20/17	7:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
12/4/17	4:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
12/18/17	7:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC

\*\*\*If there are any questions regarding this calendar, please call the Clerk to the Board at (252) 794-6110.\*\*\*

**This schedule is subject to change.** Please visit the County website (<http://co.bertie.nc.us>) to receive information about cancellations or meeting location changes. **All meetings are scheduled on Mondays unless denoted with an asterisk (\*).**







# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** D-2

**DEPARTMENT:** Governing Body

**SUBJECT:** Set date for 2016 Employee Appreciation Luncheon – proposed date of Thursday, December 8<sup>th</sup>

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Recommend approval.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Recommend approval.

**ATTACHMENTS:** No

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---



# Bertie County

Board of Commissioners

## ITEM ABSTRACT

**MEETING DATE:** October 6, 2016

**AGENDA ITEM:** D-3

**DEPARTMENT:** Tax

**SUBJECT:** Review of Tax Appeals:

- a) Estate of Queenie Bond by Barbara Evans
- b) Coastal Medical Transport by Tim Bazemore, Jr.
- c) Southern Band Tuscarora Indian Tribe by Marilyn Mejorado

**COUNTY MANAGER RECOMMENDATION OR COMMENTS:** Discussion requested.

**SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S):** Discussion requested.

**ATTACHMENTS:** Yes

**LEGAL REVIEW PENDING:** No

**ITEM HISTORY:** ---

# Native American Sovereignty and Self-determination

State FWS Violations of Hunting/Fishing Rights

Bear Clanmother Marilyn Mejorado Southern Band Tuscarora Tribe

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## Supreme Court Cases Involving NA Sovereign Rights

The framers of the United States Constitution specifically recognized the sovereignty of Indian tribes. In **Article 1, section 8, clause 3 of the Constitution, Congress is identified as the governmental branch authorized to regulate commerce with "foreign nations, among the several states, and with the Indian tribes [italics added]."** The Supreme Court reaffirmed this legal and political standing of Indian nations in a set of three 19th Century court decisions known as the Marshall Trilogy. These cases serve as cornerstones to understanding Indian sovereignty in the U.S. political system as a clearly defined legal status that has constitutional standing.

The three cases which are known as the **Marshall Trilogy** are *Johnson v. McIntosh* (1823); *Cherokee Nation v. Georgia* (1831); and *Worcester v. Georgia* (1832). In *Johnson v. McIntosh* (1823) the Supreme Court concluded that tribal sovereignty, although impaired by European colonization, cannot be dismissed.

Supreme Court Chief Justice Marshall stated, "In the establishment of these relations [between Europeans and Indians], the rights of the original inhabitants, were in no instance, entirely disregarded. They were admitted to be the rightful occupants of the soil, with the legal as well as just claim to retain possession of it, and to use it according to their own discretion" (Getches, Wilkinson, and Williams, Jr. 1993, 144).

*Cherokee Nation v. Georgia* (1831) ruled that Indian tribes were "a distinct political society, separated from others, capable of managing [their] own affairs and governing [themselves]" (Getches et al. 1979, 162).

*Worcester v. Georgia* (1832), the third case of the trilogy, the Court held that tribal sovereign powers were not relinquished when Indian tribes exchanged land for peace or protection.

As a result of the Marshall Trilogy legal cases, the Supreme Court both reaffirmed the sovereignty of Indian tribes and acknowledged this as predating European arrival. Because Indian nations lie within the acknowledged boundaries of the United States, Chief Justice Marshall delineated Indian tribes as "**domestic dependent nations.**" It is under this definition that Indian tribes find themselves operating today. President George W Bush reiterated this status in 2006.

In *Winter v. U.S.* (1908) the court states that, "By rule of interpretation of agreements and treaties with Indians, ambiguities occurring will be resolved from the standpoint of the Indians." In addition, the courts have developed canons of treaty construction that are supposed to guide the interpretation of Indian treaties in decisions.

# Native American Sovereignty and Self-determination

State FWS Violations of Hunting/Fishing Rights

Bear Clanmother Marilyn Mejorado Southern Band Tuscarora Tribe

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Three basic canons:

- Ambiguities in treaties must be resolved in favor of the Indians.
- Indian treaties must be interpreted as the Indians would have understood them.
- Indian treaties must be construed liberally in favor of the Indians (Pevar 1992).

Contemporary conflicts between Indian tribes and non-Indians occur as new conditions and situations arise. Thus, there is a constant legal process of defining and interpreting treaties to settle current issues. The standard for resolving these conflicts was established in *Winter v. U.S.* (1908). "In interpreting Indian treaties, ambiguities are to be resolved in favor of the Indians. Court decisions have stated that this rule applies to agreements as well, and also federal statutes" (Kickingbird et al., 1980, p. 32).

The aforementioned canons apply to treaty cases and to all tribal/federal agreements and statutes. The reasoning behind establishment of the canons of treaty construction was that nuances of the English language were not the same for Indians as they were for English-speaking negotiators. The Court has also ruled in various cases (see, e.g., *Choctaw Nation v. United States* (1970); *United States v. Shoshone Tribe* (1938); *Starr v. Long Jim* (1913); *Fleming v. McCurtain* (1909); *Worcester v. Georgia* (1832) that the nature of the times when the treaty was signed must also be considered when engaging in present day interpretations of treaties.

## The Trust Responsibility

Trust responsibility is integral to the principle of tribal sovereignty. It derives from negotiations with Indian tribes that bound the United States to do the following:

- Represent the best interest of the tribes,
- Protect the safety and well-being of tribal members, and
- Fulfill its treaty obligations and commitments.

The foundation of this unique relationship is one of trust: the Indians trust the United States to fulfill the promises which were given in exchange for their land. The federal government's obligation to honor this trust relationship and to fulfill its treaty commitments is known as its *trust responsibility* (Pevar 1992, 26). The American Indian Policy Review Commission in 1977 explained the trust obligation in the following way:

The scope of the trust responsibility extends beyond real or personal property which is held in trust. The United States has the **obligation to provide services**, and to take other appropriate actions necessary **to protect tribal self-government**. The doctrine may also include a duty to provide a level of services equal to those services provided by the states to their citizens [e.g., educational, social, and medical]. These conclusions flow from the basic notion that the trust responsibility is a general obligation *which is not limited to specific provision in treaties, executive orders, or statutes*; once the trust has been assumed,

## Native American Sovereignty and Self-determination

State FWS Violations of Hunting/Fishing Rights

Bear Clanmother Marilyn Mejorado Southern Band Tuscarora Tribe

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administrative action is governed by the same high duty which is imposed on a private trustee [emphasis added].

Despite clear sovereignty of Indian tribes, and trust responsibility obligations of the U.S. government, historic relations between Indians and U.S. governments have been filled with continuous attempts to erode sovereignty. As noted above, this has taken many forms including attempts at assimilation and termination of Indian tribes and people.

Current threats to tribal sovereignty are simply the latest surge in this process. Yet many non-Indians believe that sovereignty is a new Indian cause and that it is open to question or debate. Contrary to attempts by policy makers and political leaders to generalize about Indian history, the fact remains that Indian people are not just another racial minority group - they are a people who have retained a unique aboriginal sovereign status.

**Menominee Tribe (Hunting/Fishing Rights): Winters v US, 207 US 564 (1908)(water rights): Choctaw and Chickasaw nations v Seay, 235 F. 2D 30 (10<sup>th</sup> Cir. 1956) (Boundary Dispute). Shoshone tribe v US, 299 US 476, 497 (1937): Menominee Tribe v US, 391 US 404, 413(1968)-Under the 3 basic canons first ambiguity in treaties must be resolved in favor of the Indians,**

Case studies:

**Carpenter v Shaw, 280 US 363, 367 (1930): DeCoteau v District Court, 420 US 425, 447(1975): Bryan v Itasca Co., Minnesota, 426 US 373, 392 (1976).**

Indian treaties must be interpreted as the Indians would have understood them.

**Jones v Meehan, 175 US 1, 10 (1899): US v Shoshone Tribe, 304 US 111, 116 (1938): Choctaw nation v Oklahoma, 397 US 620, 631 (1970).**

Finally Indian treaties must be construed liberally in favor of the Indians.

**Tulee v Washington, 315 US 681, 684-85 (1942): Washington v Washington State Commercial Passenger fishing vessel association, 443 US 658, 690 (1979): County of Oneida v Oneida Indian Nation, 470 US 226, 247 (1985).**

Tribes listed depend on fishing for their sustenance. The treaties they signed recognized their right to fish but fail to say exactly how many fish they may catch, where they may fish, or **whether and how much the state may regulate Indian fishing**. The Supreme Court has liberally interpreted these treaties in favor of the Indians. The court assumed that fishing must have been discussed when the treaty was made, because it was the Indians livelihood. **In addition, nothing in the treaties removes their fishing rights.** Thus the Indians

## Native American Sovereignty and Self-determination

State FWS Violations of Hunting/Fishing Rights

Bear Clanmother Marilyn Mejorado Southern Band Tuscarora Tribe

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would have assumed that their fishing rights remained intact. **Accordingly the treaties must be so interpreted today, with any uncertainties resolved in the Indians favor.**

**Indian Self-Governing: SEE US v Felter 752 F. 2D 1505, 1509 (10<sup>th</sup> circuit 1985): NM v Mescalero Apache Tribe, 462 US 324 (1983): Menominee Tribe v US 391 US 404 (1968): State v Coffee 556 P. 2D 1185, 1189 (Idaho 1976): Winans v US 198 US 381, US v Winans 198 US 371, 381 (1905): US v Dion 476 US 734, 745 N.8 (1986): Alaska Pacific Fisheries v US 248 US 78 (1918): Quechan Tribe v Roe 531 F. 2D 408 (9<sup>th</sup> Circuit 1976).**

Every Indian tribe has the inherent right to self-governing. This means among other things, ***that every Tribe has a right to regulate its land and resources, including the taking of wild life. A Tribes Governing powers can be limited by congress, But until this occurs and Indian tribe essentially retains all of its original rights.*** Obviously, one of the original rights is to hunt and fish within the territory it controlled (the right to hunt and fish on reservation land is a long established tribal right). ***The right to hunt and fish was expressly guaranteed to many tribes within the US, however this right is presumed to exist even if the treaty does not mention it.*** As the Supreme Court explained in 1905, a Treaty is not a grant of rights to the Indians but a taking of rights from an Indian. Consequently if a treaty is silent on the subject of Indian hunting and fishing rights, then these rights are not limited by the treaty and still exist in full force. Indeed once a reservation is created for an Indian Tribe, the Tribe can exercise its hunting and fishing rights, even if the reservation does not include any of the tribes' former homeland. Federal Courts have carefully protected Indian Hunting and fishing Rights because of their importance. Courts have held, for instance that a Treaty that creates a reservation for Indian purposes thereby recognizes the tribes' rights to hunt and fish on it.



## Native American Sovereignty and Self-determination

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### The Rights of Indians and Tribes

#### History of Federal Indian policy

**1934 Indian Reorganization Act**, 48 Stat. 984 25 U.S.C. § 461 et seq.

**1968 Johnson-** Presidential Documents, Weekly compilation of 1968 vol. 4 no. 10, urged tribal self-determination.

**1970 Nixon- Congress** prohibited the states authority over Indian reservations under the Indian Reorganization Act. See Message from the President of the U.S. 1970 "Recommendations For Indian Policy" Washington DC Government Printing Office.

**1983 Reagan-New Mexico v Mescalero Apache Tribe, 462 US 324, 334-35 (1983), Presidents statement on Indian policies 1983, pub. Papers 96, 99.** Reagan promoted Indian self-governing, self-determination restoration.

#### Definitions: Indians, Indian Tribes, Indian country, and Indian Title

**USC Sect 479, The Concept of Federal recognition definitions** Indian- An individual of Indian descent that has been accepted as a member of a federally recognized tribe.

**Nofire v 164 US 657** The fact that the federal government does not recognize a person as an Indian does not prevent a tribe from considering that person an Indian for Tribal purposes.

**US v Bronchaeau 597F. 2D., 1260, 1263 cert. denied 444 US 859: US v Dodge 538 F. 2D 770, 776 cert, denied, 429 US 1099.** First a person must have some Indian blood that is some identifiable Indian Ancestry. Second, The Indian Community must recognize the person as an Indian.

**US v Nice, 241 US 591** establishes that an Indian can be both a citizen of the U.S. and a member of an Indian tribe and have all the benefits and obligations that arise out of that dual capacity.

**American Indian Policy Review Commission, final report p. 461,** what constitutes an Indian Tribe- Ethnologists defines and Indian Tribe as a group of Indians who share a common heritage, speak a distinct language.

**US v Washington 384 F. Supp. 312, 406 AFFD, 520 F. 2D 676 Cert, denied 423 US 1086-**However a denial of Federal recognition does not necessarily disqualify a tribe from all these programs. Indians for instance, can still enforce a treaty that their ancestors made with the U.S even though the federal government refuses to recognize the continued existence of the Tribe.



## Native American Sovereignty and Self-determination

State FWS Violations of Hunting/Fishing Rights

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**\*\*\*The term Indian country was first used by Congress in 1790 to describe the territory controlled by Indians. \*\*\***

**Indian Country USA Inc. v Oklahoma tax comm'n 829 F. 2D 967, 973** cert. denied sub. Nom. Oklahoma Tax comm. V Muscogee Nation, 487 US 1218-As a general rule state jurisdiction does not extend to Indian country, and, instead Tribal and Federal laws govern. If someone says, "The crime took place in Indian Country, "This implies that tribal or federal law governs the tribe, **and the state has no jurisdiction.**

**21 US 543 Johnson v McIntosh 1823** the issue in that case was whether a non-Indian who purchased land from an Indian Tribe had obtained a valid title. Obviously the purchaser could acquire only that interest which that tribe could legally sell. The Supreme Court held that the buyer did not acquire valid title because the land was no longer owned by the tribe. The U.S Government had become the owner of all the land within the US by virtue of the European Discovery of the North American continent in the conquest of its inhabitants. See the Treaty of Ghent 1815. It did not matter to the court apparently that Europeans had not discovered North America and certainly had not conquered all the Indians living there. We can assume the court made the decision as it did because a contrary ruling would have meant that most of the US did belong to the Indians. **The court went on to rule to hold though that the Indians retained a right of occupancy in their ancestral homeland, a right which was superior to all claims other than those of the Federal government. The federal government could extinguish this Indian Title at will but until it did so the Indians had the right to remain on their original homeland.**

**The MenomineeTribe v US 391 US 404, 406-** A Federal statute enacted in 1790 to protect Indian Land created a trust responsibility of the federal government to enforce the law that continues even today. **Joint Tribal Council of the Passamaquoddy Tribe v Morton 528 F. 2D. 370 st Circuit 1975.** Second the trust obligation may include implied, not just expressed commitment. **When a Treaty promises a Tribe that it can use its reservation for Indian purposes this obligates the government to protect the Indians right to hunt, and fish on that land.**

A pervasive condition of ignorance about Indian law exists in the U.S. court system. Lower courts in particular are often unfriendly to Indian tribes and remit decisions inconsistent with Supreme Court precedence. Lawyers and judges still lack education or training on the basics of Indian law. Indian law is not required in most law schools and often those making decisions on these matters have little or no background in the area. This places Indian tribes in the constant position of having to appeal decisions made by the lower courts.

## Native American Sovereignty and Self-determination

State FWS Violations of Hunting/Fishing Rights

Bear Clanmother Marilyn Meorado Southern Band Tuscarora Tribe

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Indian hunting and fishing rights retained by treaties are being challenged by the states under the name of conservation and environmental protection. Many states are challenging tribal sovereignty and arguing interpretation of treaty language in an attempt to impose state regulations on Indian tribes. States are pursuing these objectives in the name of environmental protection and are asserting that Indian hunting and fishing is subject to the same state regulations as non-Indian regardless of treaty language. The rationale being used is that Indians and non-Indians should be "equal under the law" and all should be subject to the same state laws and regulations.

In Minnesota, the **Mille Lacs Band of Ojibwe hunting rights were affirmed by the U.S. Eighth Circuit Court of Appeals.** The State of South Dakota is contesting tribal issuance of hunting licenses on trust land. South Dakota is arguing that Sisseton-Wahpeton trust land is technically "former" trust land, because it had been reclaimed by the U.S. Corps of Engineers. Many non-Indian hunters are blaming the Salish Kootenai for decimating moose herds in Montana, and are calling for Indian hunting rights to be abolished.

The Tuscarora Confederacy's territory originally spanned from Emporia Virginia to the Cape Fear River in the lower portion of NC, from north to south, and from the Goldsboro region to the outer banks beaches of NC, from west to east, covering every waterway and tributary, and encompassed over 36,000 square miles.

When the Indian Woods reservation of 96 square miles was set aside in 1713 for the Tuscarora that remained in North Carolina in Bands or fringe Tribes they never gave up their aboriginal lands, the land was stolen by greedy settlers with 99, 150 year land leases. The lands actually leased equaled 19,000 acres, the crooked settlers or "founding fathers" took over 49,000 acres and although they were ordered off the reservation land in 1803 by the NC General Assembly when the great swindle was uncovered.

Those who swore to uphold the laws did nothing to enforce the Tuscarora's rights to their reservation. Instead the county attorneys Zedachiah Stone, along with Plumpkin and Tuke, Batt's, Drummond, Brimerage, Williams, Pugh, Jones, McCasky, Blount, and others forged documents that the land was "given to the leases free and clear as if they had purchased said lands in 1776 in the name of Lord Granville". But, Lord Granville had been deceased since 1773.

## **Native American Sovereignty and Self-determination**

State FWS Violations of Hunting/Fishing Rights

Bear Clanmother Marilyn Mejorado Southern Band Tuscarora Tribe

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The same lands leased were never renegotiated when the United States became a country in 1776.

The Tuscarora never ceded any land in any of the Treaties with the French, Italians, Swiss, or Germans 50 years before the British claimed ownership via conquest, and imminent domain, nor did the Tuscarora cede any land to the British at any time during their occupancy.

The United States took possession of the same stolen lands after it was given back to the Tuscarora by the British under the treaty of Ghent in 1813.

And last but most definitely not least those few individuals who migrated to 5 nations did not have the federal governments, nor the Tuscarora residing on their homelands authority to sell any portion of the lands, but again the law was in favor of a few being called the King's part of the swindle, because it benefitted them in the attempted genocide of those that remained.

Today the same said lands are still in dispute, the Tuscarora still living in NC claim their inherent right to live on their lands, and the rights to hunt/fish/gather without molestation from state wildlife officials. But still each time they try to provide sustenance for their families, elders, and infirm they are harassed and ticketed by state wildlife officers who defy federal laws regarding these rights, and the district courts do not have jurisdiction over those that are ticketed.

## Native American Sovereignty and Self-determination

State FWS Violations of Hunting/Fishing Rights

Bear Clanmother Marilyn Mejorado Southern Band Tuscarora Tribe

Pevar, S. (1992). The Rights of Indians and Tribes: An American Civil Liberties Union Handbook (2nd ed.). Carbondale, IL: Southern Illinois University Press.

Taliman, Valerie. "Leaders Meet to Define Sovereignty," Indian Country Today, (December 1, 1997), p. 1.

Public Law 280, 18 U.S.C. Sec. 1162; 28 U.S.C. § 1360. (1953).

Public Law 85 - 734, 76 Stat. 698 et seq. § (1994)

Public Law 85 - 923, 72 Stat. 1773 et seq. § (1994)

S. 156, 105th Cong., § (1997).

S. 470, 105th Cong., § (1997).

Sale, K., (1990). The Conquest of Paradise. New York: Knopf Publishing.

U.S. Constitution, Article 1, Section 8, Clause 3.

*United States v. Shoshone Tribe*, 304 U.S. 111, 116 (1938).

Wall, S. & Arden, H., (1990). Wisdomkeepers: Meetings With Native American Elders. Hillsboro, OR: Beyond Words Publishing.

*Worcester v. Georgia*, 31 U.S. 515, 551-553 (1832).



North Carolina  
Department of Administration

Michael F. Easley, Governor  
Britt Cobb, Secretary

N.C. Commission of Indian Affairs  
Gregory A. Richardson, Executive Director

August 17, 2006

*Sept 11, 06 Left message  
for Elk Richardson  
Getting paperwork ready*

Ms. Marilyn Mejorado  
"Southern Band Tuscarora Indian Tribe"  
832 U.S. 13 N.  
Windsor, North Carolina 27983

RECEIVED  
OCT 21 2006  
INDIAN AFFAIRS

RE: State Recognition

Dear Ms. Mejorado,

As previously communicated to your group, the North Carolina Commission of Indian Affairs is now prepared to proceed in the official recognition process with your group. Pursuant to today's telephone conversation, I am forwarding you a copy of the procedures for tribal recognition by the State of North Carolina. If your group does not wish to continue at this time, please notify us as soon as possible so that we may proceed with other groups that have notified us of their intent to petition for official recognition as American Indian tribes.

Authorized by the North Carolina General Assembly at G.S. 143B-406, the North Carolina Commission of Indian Affairs processes petitions for state recognition according to the established state recognition procedures under Title I, Chapter 15 of the North Carolina Administrative Code. Although the recognition procedures have been recently revised, the administrative rules in effect at the time of our acknowledged receipt of your Notice of Intent to Petition will apply in your case. A copy of these rules is attached.

Section .0200 of the code, "Legal Recognition of Indian Groups," will be of general importance to you regarding state recognition of your group as an Indian tribe. Subsection .0207 outlines the procedure to be followed for recognition; subsection .0208 (1) defines "Indian tribe;" subsection .0209 provides specific criteria to be met for recognition as an Indian tribe, as does subsection .0211; and subsection .0214 addresses the required submission of a "roll" of members of a petitioning for recognition as a tribe or organization.

To expedite the process of committee review of petition materials, petitioning groups are requested to provide an original and five copies of all petition documents submitted.

The North Carolina Commission of Indian Affairs will gladly offer as much assistance as possible to you regarding the process of state recognition of Indian tribes and groups. Should you

Mailing Address:  
1317 Mail Service Center  
Raleigh, N.C. 27699-1317

Telephone (919) 733-5998  
Fax (919) 733-1207  
State Courier #56-20-51

Location:  
217 West Jones Street  
Raleigh, North Carolina

have any questions or need further guidance regarding the recognition process, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elk Richardson', with a large, stylized flourish at the end.

Elk Richardson  
Staff to the Recognition Committee

ECR:

ATTACHMENT

Cc: Greg Richardson  
Garth Locklear



**SOUTHERN BAND TUSCARORA INDIAN TRIBE**  
832 US 13 N. Windsor, NC 27983 Phone 252-794-4559

***From the Office of the Grand Council***

Date: 6-7-2007

To: Indian Community Development Block Grant Program FR-5100-N-22

Regarding: Housing Grant

**Narrative and Title**

Project to help house the elderly, disabled and low income families in our Tribe and surrounding community. Also this will create gainful employment for our tribal members, people in our community and surrounding areas.

**Need for this Program**

There are four hundred people on CADA; the housing program that gives people vouchers for housing assistance, and another two hundred on a waiting list. CADA had to stop taking applications at two hundred so that people are able to get assistance within one and a half years to two years. There is an unknown number of people that have tried to turn in applications just to get on the waiting list but had to be turned away because there we already too many people on the list.

The surrounding community here is very poor with forty-nine percent of the population on government assistance. There are not enough jobs for all the people here, not enough training to teach the people the skills they need to get a decent job.

The unemployment rate for our county and surrounding counties are above the state percentages with Bertie County being the highest at 7.4% and the state being 5.2%. The nearby Counties including Chowan County 5.8%, Greene County 6.1% and Hertford County 5.8%. This covers approximately a radius of eighty miles.

We know that if we were given the opportunity to make a change for our people, our community and surrounding communities we would. We have put together a plan that will create gainful employment for many people, housing for our low income families and the elderly to help them succeed.

Today we come to you to say we will have this poverty and shame no more. Our elders do not have enough money to make ends meet the whole month long because the high cost of housing and low income. Our working class takes whatever employment they can find. We were first contact for the settlers but yet still today we fight for our equal rights and just a chance to help ourselves and our community.

The Tribe is on the lower end spectrum of the county as far as available jobs, access to higher learning resulting in the people living at or below the federal poverty levels which leads our college students to leaving their homeland. Out of one hundred





### **SOUTHERN BAND TUSCARORA INDIAN TRIBE**

**832 US 13 N. Windsor, NC 27983 Phone 252-794-4559**

counties in NC, Bertie County is about the 98<sup>th</sup> poorest in the state. A large majority of the youth attending universities do not come back to Bertie County.

#### **Demographics**

As of the census of 2000, there were 19,773 people, 7,743 households, and 5,427 families residing in the county. The population density was 28/mi. There were 9,050 housing units at an average density of 13/mi. The racial makeup of the county was 36.30% White, 62.34% Black, or African American, 0.44% Native American, 0.11% Asian, 0.01% Pacific Islander, 0.33% from other races, 0.48% from two or more races. 0.99% of the population were Hispanic or Latino of any race.

There were 7,743 households out of which 29.70% had children under the age of 18 living with them, 46.00% were married couples living together, 20.10% had a female householder with no husband present, and 29.90% were non-families. 27.00% of all households were made up of individuals and 13.10% had someone living alone who was 65 years of age or older. The average household size was 2.53 and the average family size was 3.07.

In the county the population was spread out with 26.10% under the age of 18, 7.70% from 18 to 24, 26.40% from 25 to 44, 23.80% from 45 to 64, and 16.00% who were 65 years of age or older. The median age was 39 years. For every 100 females there were 87.60 males. For every 100 females age 18 and over, there were 82.00 males.

The median income for a household in the county was \$25,177, and the median income for a family was \$30,186. Males had a median income of \$26,866 versus \$18,318 for females. The per capita income for the county was \$14,096. About 19.30% of families and 23.50% of the population were below the poverty line, including 30.70% of those under age 18 and 28.30% of those age 65 or over

#### ***Bertie 2008 Health and Human services Task Force***

### **2007 SOCIAL SERVICES FOR THE COUNTY RESULTS**

As of April 2007, 9704= .49% of the residents living in Bertie County were receiving social services benefits. According to the NC Medicaid laws for establishing Medicaid; an adult cannot bring in more than \$528.00 income per month. This does not include outgoing expenses as it was in the past; outgoing expenses were counted and the income ceilings were higher in 2002.

As for receiving food stamps a family of 4 cannot receive more than \$ 1667.00 this after all deductions allowed, unless over 60 on Medicaid, or medical deductions, shelter deductions. Gross income for a family of four is \$ 2167.00. Many people are just above the level to receive social services, yet live in poverty. 1 individual disabled or elderly receives approximately \$ 75.00 per month for food for a month. While grocery prices have soared the amount needy families can receive has either stayed the same or in most cases been lowered.





***SOUTHERN BAND TUSCARORA INDIAN TRIBE***  
***832 US 13 N. Windsor, NC 27983 Phone 252-794-4559***

This is leading to an increase of crimes countywide. \*\*\*Call Audrey Jernigan 794-5330 sheriffs dept back tomorrow for crime statistics 2002-2007\*\*\*\*

Implementation of Historical and Cultural sites throughout the county consist only of those white colonial plantations such as the Hope Plantation while the history of the local Tuscarora Tribe has been largely ignored, even to the extent that the Hope sits on Tuscarora lands never taken by treaty but stolen in faulty land leases. These issues never arise when talk of honoring other cultures of Bertie County, yet African slavery issues are at the forefront.

**Plan**

We will start by building four sets of duplexes for the elderly and disabled people. Then build housing or buy pre-manufactured family homes totaling eight homes.

Build one community building that will offer activities for the community as well as education on our tribal history, culture and traditions. The community building will also be the evacuation center for hurricanes since we plan to build it out of cinder block.

We will build a museum to teach our culture and traditions to the surrounding communities as well as do programs for the schools in the area. Before the flood of 1999 we had a museum that schools from all around came to visit and learn. We fill that our history and culture is very important and should be learned by everyone in this area since a lot of the people are in fact Tuscarora Indians.

Last on the agenda will be to build a bingo hall, this will create gainful employment and profit that can be used to continue to build more homes and create even more jobs.

With the profits from these businesses we will build a bigger museum, expand the bingo hall and build more housing. We plan on starting organic farming from the profits so people can live healthier lives. Also we plan on building a school for our tribal youth and the youth in surrounding communities.

All of this will create not only jobs but will create gainful employment so the people of our community no longer have to live in or below poverty.

This Tribe has big ideas big plans all we need is a beginning we hope you understand and will give us a chance to begin.

**Capacity if Staff**

Currently we have the project director on staff she is also the Chairperson for the Tribe she has been running the Tribe for twelve years. She is the tribal expert historian and genealogist. She owns her own business and holds many different degrees and certificates, including but not limited to business. We have a Financial Manager on staff that also runs her own business and is a council member. We have a Contractor on staff that has over twenty years experience he also in a member of the council. We have an Auditor on staff with ten years experience in auditing with another Tribe, also has owned their own business.



**SOUTHERN BAND TUSCARORA INDIAN TRIBE**  
832 US 13 N. Windsor, NC 27983 Phone 252-794-4559

***Budget Narrative for Housing Project***

Project Director	50,000
Financial Manager	30,000
Grant Writer	30,000
Auditor	30,000
Director of all employment Sites	30,000
Head of Security	30,000
Security Officer	25,000
Bingo callers 2@10000 each	20,000
Part time Bingo Employees 12 @ 7500 each	90,000
Museum workers 3@15000 each	45,000
Grounds keeper	20,000
Museum Manager	25,000
Bingo Manager	25,000
Administrators 2@15,000 each	30,000
Grand Total for employment	480,000
Housing 8 housing units @50,000 each	400,000
Duplexes for elderly 4 sets of 2 @50,000 each	400,000
Museum Building	75,000
Bingo Hall	75,000
Community Building	75,000
Parking Lot	25,000
Grand Total for Buildings	1,050,000
Sub Total	1,530,000
Museum Equipment	30,000
Bingo Equipment	30,000
Grounds Equipment	10,000



**SOUTHERN BAND TUSCARORA INDIAN TRIBE**  
**832 US 13 N. Windsor, NC 27983 Phone 252-794-4559**

Security Equipment	20,000
Security Officer Equipment	60,000
Grand Total for Equipment	150,000
Sub Total	1,680,000
Fixtures for housing	50,000
Bingo Machinery	20,000
Equipment and fixtures for community Building	50,000
Sewage, Water, Electricity	70,000
Grand Total for fixtures	190,000
Sub Total	1,870,000
Acquiring more land	80,000
Travel for training	30,000
Consultation	20,000
Project Grand Total	2,000,000



**SOUTHERN BAND TUSCARORA INDIAN TRIBE**  
832 US 13 N. Windsor, NC 27983 Phone 252-794-4559

**Administration for Children and families**  
**Grant Funding Number HHS-2007-ACF-OCS-EE-0024**

**Budget Narrative for Organic Farming**

**Beginning Personnel;**

Project director	45,000.00
Financial Manager	35,000.00
Farm Manager	30,000.00
Auditor for project	30,000.00
Administrative Assistant	25,000.00
Four Farm Hands 16,000.00each x 4 Total for farm hands	64,000.00
Grand Total for Personnel	229,000.00

Travel for training and education funding 30,000.00

**Equipment for Organic farming is as follows;**

Truck and Trailer	60,000.00
Tractor to maintain farm	30,000.00
Farming equipment	15,000.00
Grand Total for Equipment	105,000.00
Sub Total	364,000.00

**Supplies for Organic Farming are as follows;**

Breeding Cattle to begin farming	10,000.00
Feed for cattle for one year	20,000.00
Seed to seed pastures for cattle	8,000.00
Fixtures for buildings	8,000.00
Grand Total for Supplies	46,000.00
Sub Total	410,000.00



**SOUTHERN BAND TUSCARORA INDIAN TRIBE**  
**832 US 13 N. Windsor, NC 27983 Phone 252-794-4559**

**Contractual;**

Scientist to test soil	10,000.00
Professional to train on Organic farming	10,000.00
Horticulturists consultations	20,000.00 ✓
Area farming consultants	20,000.00
Veterinarian to keep new cattle healthy	10,000.00
Grand Total for Contractual	70,000.00
Sub Total	480,000.00

**Construction;**

Office Building	15,000.00
Barn to hold cattle	35,000.00
Warehouse to hold all farming equipment	35,000.00
Fencing to keep cattle on land	15,000.00
Grand Total for Construction	100,000.00
Sub Total	580,000.00

**Other cost associated to Organic Farming is as follows; Cont. Ed.**

Education for a staff veterinarian	20,000.00
Education for a Teacher Traditional agriculture	20,000.00
Education for a holistic medicine Doctor	20,000.00
Education for staff CPA	10,000.00
Organic medicine for Cattle	10,000.00
Grand Total for Other	80,000.00
Sub Total	660,000.00

Indirect cost or fixed cost include sewage, water, electricity, and sowing the land to create a sustainable supply of food: Totaling	45,000.00
Grand Total for Organic Farming	705,000.00



Jodie Rhea, Tax Administrator  
Bertie County Tax Department  
PO Box 527  
106 Dundee St.  
Windsor, NC 27983  
Phone: (252) 794-5310  
Fax: (252) 794-5357

August 29, 2016

Southern Band Tuscarora Indian Tribe  
Ms. Marilyn Mejorado  
832 US 13 N.  
Windsor, NC 27983

Re: Application for Property Tax Exemption

Dear Ms. Mejorado;

I have reviewed your application for Property Tax Exemption submitted on August 25, 2016. Based on the information provided by you, I am denying the application for the following reasons:

- 1) Applications for Property Tax Exemption must be filed during the annual listing period, January 1 through January 31.
- 2) Property is vacant. The present use of the land and other property – rather than the intended use, governs.
- 3) No proof of the required use of the land that meets the qualifications of the General Statutes so checked on your application; G.S. 105/275(20) Goodwill Industries, 105-278.3 Religious Purposes, 105-278.4 Educational Purposes (institutional), 105.278.7 other charitable, educational, etc., 105.275(29a) historic district property held as a future site of historic property and 105.278.6(e) Nonprofit property held as a future site of low-or moderate-income housing.
- 4) No proof of the Southern Band Tuscarora Indian Tribe being federally recognized.

You may appeal my decision to the Bertie County Board of Commissioners by writing a letter of appeal and mailing it to my attention at the above address. Please call should you have any questions.

Respectfully,

Jodie Rhea  
Tax Administrator  
Bertie County

**Internal Revenue Service**

Department of the Treasury

Washington, DC 20224

Southern Band Tuscarora  
Indian Tribe  
P.O. Box 14  
Winton NC 27986

Contact Person: Mr. John Patton

Telephone Number: (202) 622-8105

In Reference to: CP:E:EO:T:2

Date: MAY 22 1998

Employer Identification Number: 56-1989885  
Exempt Status: 501(c)(3)  
Foundation Status Classification: 509(a)(1) & 170(b)(1)(A)(vi)  
Key District: Southeast (Baltimore MD)  
Advance Ruling Period Begins: August 22, 1996  
Accounting Period Ending: December 31  
Advance Ruling Period Ends: December 31, 2000  
Form 990 Required: Yes

Dear Applicant:

Based on the information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) as indicated above.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in the sections 509(a)(1) and 170(b)(1)(A)(vi) indicated above.

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins and ends on the dates indicated above.

Within 90 days after the end of your advance ruling period, you must submit to your key district office information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

598 -  
1-900-829-1840

DEPARTMENT OF THE TREASURY

1-202-622-7955

COMMITMENT GRANTOR

John PAYTON  
202-622-8105

Date: JAN 14 1998

Employer Identification Number:

56-1989885

DIN:

17053321092007

Contact Person:

BRENDA WILKINS

Contact Telephone Number:

(770) 593-7491

SOUTHERN BAND TUSCARORA INDIAN  
TRIBE  
C/O MARILYN MEJORADO LIVINGSTON  
PO BOX 14 401 MAIN ST  
WINTON, NC 27986

Dear Applicant:

We received your application for recognition of exemption from Federal income tax.

We referred your application to our National Office for ruling and they will reply direct to you. If you have any questions, please write to:

Assistant Commissioner (E) Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, D.C. 20224  
Attention: E:EO

If you do not receive a decision on your application by the date the annual information return for exempt organizations is due, file that return by the due date. File either Form 990, Return of Organization Exempt From Income Tax, or Form 990-PF, Return of Private Foundation or Section 4947((a)(1) Trust Treated as a Private Foundation, whichever is applicable. Check the block on the return indicating an application is pending.

Please see the instructions for those returns to determine if any other returns are required.

Thank you for your cooperation.

Sincerely yours,



District Director

See 622-7704  
MK CHASIN





North Carolina Department of Revenue

James B. Hunt, Jr.  
Governor

Muriel K. Offerman  
Secretary

June 26, 1997

SOUTHERN BAND TUSCARORA INDIAN TRIBE  
PO BOX 14  
WINTON NC 27986

Re: Determination of Tax Status

Ladies and Gentlemen:

Thank you for sending us a copy of the Articles of Incorporation for the above corporation.

This organization will qualify for exemption from franchise tax and corporate income tax under Sections 105-125 and 105-130.11(a)(3), respectively, of the General Statutes of North Carolina, subject to the condition that no part of its net income inures to the benefit of any of its officers, directors, or members, or any other private individual, except as reasonable compensation paid or distributions made in carrying out its declared non-profit purpose.

If the above organization becomes subject to tax on unrelated business income as provided in G. S. 105-130.11(b), it will be required to complete the corporate income tax schedules of the regular corporation tax return, *North Carolina Corporation Franchise and Income Tax Return (Form CD-404)*, or *North Carolina Franchise and Income Tax Return - Multistate Corporation, (Form CD-405)* if it has multi-state operation, and file the return on or before the 15th day of the fifth month following its year end subject to any extensions of time which may be granted. However, if such income does not exceed \$1,000, the corporation will be required to file Form CD-404 or CD-405.

This determination applies only to the organization's status under the corporate income and franchise tax laws.

This organization will not be required to file (CD-427), *Return of Organization Exempt From Corporate Income Tax*, unless requested to do so at a later date.

Michael L. Little  
Administrative Officer  
Office Examination Division  
(919) 733-4644

MLL/adm



STATE OF  
NORTH  
CAROLINA



Department of The  
Secretary of State

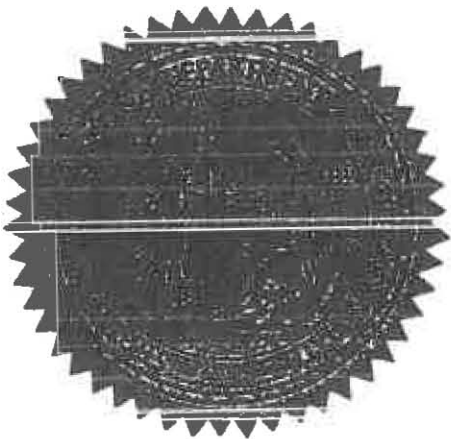
To all whom these presents shall come, Greetings:

I, JANICE H. FAULKNER, *Secretary of State of the State of North Carolina*, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION  
OF  
SOUTHERN BAND TUSCARORA INDIAN TRIBE

*the original of which was filed in this office on the 22nd day of August, 1996.*

*IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 22nd day of August, 1996.*



*Janice H. Faulkner*  
Secretary of State

State of North Carolina  
Department of the Secretary of State

C-0404461  
FILED

9:08 A.M.

AUG 22 1976

228 5014

ARTICLES OF INCORPORATION  
NONPROFIT CORPORATION

EFFECTIVE  
JANICE H. FAULKNER  
SECRETARY OF STATE  
NORTH CAROLINA

Pursuant to Section 55A-2-02 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Articles of Incorporation for the purpose of forming a nonprofit corporation.

1. The name of the corporation is: Southern Band Tuscarora Tribe
2. (Check only if applicable.) The corporation is a charitable or religious corporation as defined in N.C.G.S. Section 55A-1-40(4).
3. The street address and county of the initial registered office of the corporation is:  
Number and Street P.O. Box 14 (Corner of Main + Brown St)  
City, State, Zip Code Winton, NC 27986 County Hertford
4. The mailing address if different from the street address of the initial registered office is:

The name of the initial registered agent is:

Marilyn Mejorado-Livingston

6. The name and address of each incorporator is as follows: Chief Joseph Cotton P.O. Box 291 Winton, NC  
Treasurer Ms. Rita Cotton, chairman Edward Livingston P.O. Box 757 Winton, NC  
Secretary - Marilyn Mejorado-Livingston P.O. Box 757 Winton, NC 27986  
Councilman - Dye Ramposad P.O. Box 741 Winton, NC 27986  
Councilwoman - Judith Reynolds 1411 Ridgeway Rd. Lugoff, S.C. 29078  
Councilman - Bill Evans 4505 Huckleberry Crk Rd. Franklin, NC 28734
7. (Check either a or b below.)  
a.  The corporation will have members.  
b.  The corporation will not have members.

8. Attached are provisions regarding the distribution of the corporation's assets upon its dissolution.

9. Any other provisions which the corporation elects to include are attached.

10. The street address and county of the principal office of the corporation is:

(Corner of Main + Brown St)  
P.O. Box 14 Winton NC 27986 County Hertford

The mailing address if different from the street address of the principal office is:

12. These articles will be effective upon filing, unless a later time and/or date is specified: \_\_\_\_\_

This is the 6 day of August, 1996

Joseph Carley Cotton

Marilyn Mejorado Livingston  
Signature of Incorporator

Marilyn Mejorado Livingston  
Type or print Incorporator's name and title, if any  
**INCORPORATOR**

Jacqueline C. Rempersad  
Commission expires March 20, 2000.



P. O. Box 508  
(252) 794-3121  
(252) 794-2331

## TOWN OF WINDSOR

*Executive Department*  
WINDSOR, NORTH CAROLINA 27983

**MAYOR**  
ROBERT B. SPIVY

**COMMISSIONERS**  
BOBBY N. BROWN  
CHARLES W. D. FULK  
C. W. HALL  
J. W. RUSSELL, JR.  
J. F. HOGGARD, III

**TOWN ADMINISTRATOR**  
DAVID O. OVERTON

November 2, 1999

Chief Livingston  
Tuscarora Tribe  
PO Box 214  
Winton NC 27986

Dear Chief Livingston,

The Town of Windsor is pleased to inform you that a six (6) foot square tract of land adjacent to the Cashic River and near the Arts and Crafts Museum has been reserved for a memorial for the ancestors of the Tuscarora. We are proud to reflect the heritage of the Tuscarora and their contributions to the development of Bertie County.

Please contact me, if you have any questions.

Sincerely,

David O. Overton  
Town Administrator

COMMITTEE:  
AGRICULTURE

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3301

Department Operations, Oversight,  
Nutrition, and Forestry  
Rural Mission  
GENERAL FARM CONSERVATION, RESOURCE  
CONSERVATION, AND CREDIT

BUDGET

Date: 7/21/

To: Chief Ed Livingston

Fax No: 252 794 1355 / 3417

From:

**Frances Poole**  
Case Worker  
Congresswoman Eve M. Clayton  
1st District, North Carolina

In case of communication error, please call 1-800-274-8672, 252-758-8800 or 758-1021(fax).

Page 1 of 1

Comments:

if you need anything else just  
call

list of NC congress

DISTRICT OFFICE:  
Walter G. Camp Service Center  
Room 1, Suite 7  
Post Office Box 670  
Morrisville, NC 27553  
(252) 458-4800  
FAX (252) 458-2811

DISTRICT OFFICE:  
480 Mason Lottin Rd., Jr. Dept.  
Suite 108  
Greenville, NC 27634  
(252) 758-8800  
1-800-274-8672  
FAX (252) 758-1021



# Windsor Area Chamber

June 25, 1998

Ms. Linda McGloin  
North Carolina Arts Council  
Department of Cultural Resources  
1009 East Jones Street  
Raleigh, NC 27601-2807

FOR YOUR FILES

RE: Southern Band  
Tuscarora Indian Tribe

Dear Ms. McGloin:

I am writing to recommend your consideration of the grant application of the Southern Band of the Tuscarora Indian Tribe.

Chief Livingston and his tribal members have worked very hard, at a great deal of personal expense, to set up a Tribal Office and Museum in Windsor. Our Town was selected as it was the home of the Tuscarora Indians and the reservation was later established here.

We were able to furnish a newly renovated building for their use at an extremely economical fee in order to get the museum established.

The Tribal Office and Museum is a real asset to our area, as it becomes a part of our area tourism attractions along with our Mini-Zoo, Historic Hope Plantation, San Souci Ferry and the Roanoke-Cashie Visitors Center which is presently under construction.

Any assistance or consideration given to them in their request will be greatly appreciated by us, as well as the group.

Please do not hesitate to contact me at (252) 794-4277 if I may furnish additional information.

Sincerely,

William L. Hazeigrove  
Executive Director

**PNW FOREST PRACTITIONERS FORUM  
VANCOUVER, WA – MAY 19-21, 2006**

Brought to you by the National Network of Forest Practitioners with our partners:  
the National Forest Foundation, the Ford Foundation, U.S. Fish and Wildlife Service,  
& the U.S. Forest Service

With Thanks to our Local friends and supporters

Marilyn Mejorado  
Southern Band Tuscarora Indian Tribe  
832 US 13N  
Windsor, NC 27983  
252-794-4559  
252-794-4559 fax  
spiriteddreamwalker@hotmail.com

\*Erika Merklin  
Alaska Super Natural Teas  
HC 60 Box 2618  
Haines, AK 99827  
907-767-5586  
907-767-5515 fax  
aksupernaturalteas@yahoo.com

Leuren Moret  
Scientist for Indigenous People  
2533 Dana Street  
Berkeley, CA 94704  
510-845-3139  
leutenmoret@yahoo.com

William Otani  
USDA Forest Service  
4228 SE 16<sup>th</sup> Street  
Gresham, OR 97080-6185  
503-808-2972  
wotani@fs.fcd.us

Shiona Mejorado-Livingston  
Southern Band Tuscarora Indian Tribe  
832 US 13N  
Windsor, NC 27983  
252-794-4559  
252-794-4559 fax  
spiriteddreamwalker@hotmail.com

Patrick Mooney  
Oregon Herb and Craft Products  
35379 Brabam Road  
Pleasant Hill, OR 97455  
541-517-4036  
541-746-1886 fax

Dr. Shawn Morford  
Consultant in Social/Community Research  
in NR  
P.O. Box 1179  
Forest Grove, OR 97116  
503-523-6022  
503-359-9582 fax  
shawn.morford@comcast.net

Vivian Parker  
California Indian Basketweavers  
Association  
6221 Shoo Fly Road  
Kelsey, CA 95667  
530-622-8718  
530-622-8748 fax  
vivparker@starband.net



FORD FOUNDATION





DEED

Wm. B. Phelps, Executor of  
the estate of Annie Reed Phelps

Sold and conveyed to  
John B. Phelps  
Wilson, North Carolina 27/86

Wm. B. Phelps  
Bertie County

For and to the use of  
John B. Phelps  
and to have and to hold  
the same unto the said  
John B. Phelps  
his heirs and assigns  
forever

*By*

Wm. B. Phelps  
Wm. B. Phelps  
Wilson, N. C.



On behalf of the  
**U.S. Department of the Interior, Bureau of Indian Affairs,**  
**Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services**  
 and the  
**Office of Justice Programs, U.S. Department of Justice**

this certificate is hereby presented to

# *Marilyn Mejorado*

in appreciation for completion of the

**Tribal Justice and Safety  
 Consultation, Training and Technical Assistance**

Prior Lake, Minnesota  
 March 27-29, 2007

*Regina B. Schofield*

**Regina B. Schofield**  
 Assistant Attorney General  
 Office of Justice Programs  
 U.S. Department of Justice

*Terry L. Cline*

**Terry L. Cline, Ph.D.**  
 Administrator  
 Substance Abuse and Mental Health Services Administration  
 U.S. Department of Health and Human Services

*William P. Ragsdale*

**William P. Ragsdale**  
 Director  
 Bureau of Indian Affairs  
 U.S. Department of the Interior



On behalf of the  
 U.S. Department of the Interior, Bureau of Indian Affairs,  
 Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services  
 and the  
 Office of Justice Programs, U.S. Department of Justice

this certificate is hereby presented to

**Laura Stone**

In appreciation for completion of the  
**Tribal Justice and Safety  
 Consultation, Training and Technical Assistance**

Prior Lake, Minnesota  
 March 27, 2007

*Regina B. Schiele*

Regina B. Schiele  
 Assistant, Advocacy Counsel  
 Office of Tribal Programs  
 U.S. Department of Justice

*Terry L. Chen*

Terry L. Chen, Ph.D.  
 Administrator  
 Substance Abuse and Mental Health Services Administration  
 U.S. Department of Health and Human Services

*William P. Bagdale*

William P. Bagdale  
 Director  
 Bureau of Indian Affairs  
 U.S. Department of the Interior

# Scholarship Agreement



Criminal Justice  
Criminal Justice Center  
Fox Valley Technical College  
2300 North Lincoln  
P.O. Box 1000  
P.O. Box 1000  
P.O. Box 1000  
P.O. Box 1000

**"Tribal Justice and Safety"**  
**Tribal Training and Technical Assistance Meeting**  
March 27-29, 2007 ~ Prior Lake, Minnesota

**Pre-Session Workshop**  
March 26, 2007 ~ Prior Lake, Minnesota

Scholarship Requested     Lodging    Per Diem    Travel

I, Laura S. (Name) the undersigned, accept the scholarship benefits awarded to me for the purpose of attending the Tribal Training and Technical Assistance Meeting and/or pre-session workshop, if selected above, for the corresponding dates, located in Prior Lake, MN.

### Please complete the following

LS (Initials) I understand that this is a funded program, and if awarded a scholarship, I am required to attend the full training program.

LS (Initials) I understand and agree that if I do not attend the training in its entirety; my employer will be required to reimburse the Fox Valley Technical College Criminal Justice Center for Innovation for the actual cost of the scholarship benefits granted to me.

LS (Initials) Reimbursement is required within 10 business days following the training. Failure to do so may result in disqualification from future scholarship opportunities.

Signature of Attendee: *Laura M. S.* Date: 3/14/07

Agency Authorized Signature: *Marilyn Mejorado* Date: 3-14-07

Print Name: Marilyn Mejorado Title: Office Manager

Agency: Southern Band Tuscarora Tribe Telephone: 252-794-4559

Agency Authorized Email: Spiriteddreamwalker@hotmail.com



DUKE CONTINUING STUDIES

**Duke Institute for  
Learning in Retirement**

**March 15, 2004**

**Marilyn Livingston  
832 US 13 North  
Winsdor, NC 27983**

**Dear Marilyn,**

**On behalf of the Duke Institute For Learning in Retirement (DILR), and my entire class, I want you to know that your presentation on the history of Tuscarora Indians in North Carolina last Monday was absolutely wonderful! We all agreed today that the information you revealed on your tribe and culture was one of the most learning experiences we've had thus far in the course.**

**Please accept our sincere thanks for your time, effort and, such a great insight into a major influence in our state.**

**I will be teaching this same class in the fall of 2004 and hope I may call on you again to come and lecture again**

**Again, thank you so very much.**

**My best regards to you and your family,**

**W. W. Yeargin, Jr., MALS**



federal government to pay compensation whenever it takes private property. The Supreme Court has held that Indian hunting and fishing rights are "property" protected by the Fifth Amendment. Any destruction or diminishment of this property is a "taking" within the meaning of the Fifth Amendment and entitles the tribe to compensation.<sup>20</sup> These rights, however, must first have been formally recognized by the federal government in some treaty, statute, or agreement; the government does not have to compensate a tribe for the loss of property interests not federally recognized.<sup>21</sup>

Does it violate the Constitution to give Indians special hunting and fishing rights?

No. As explained in chapter 5, section A, Congress is authorized by the U.S. Constitution to treat Indians as a unique and separate political group. Congress is permitted to give Indians special rights as well as special burdens, and this includes access to wildlife that is denied to non-Indians.<sup>22</sup>

Do hunting and fishing rights belong to the tribe or to the tribe's members as individuals?

In most situations, it makes no difference whether the right to hunt and fish is classified as a tribal right or as an individual right. If a state law, for instance, is interfering with a tribe's treaty rights, both the tribe and its members can file suit.<sup>23</sup> Their rights are identical in that situation. It is sometimes necessary, however, to determine which rights are superior, the tribe's or the members'. For example, only if the tribe's rights are superior can the tribe regulate the hunting and fishing activities of its members.

Indian hunting and fishing rights ultimately belong to the tribe. Tribal members can hunt and fish only to the extent allowed by the tribe.<sup>24</sup> Likewise, if Congress takes away these rights and must then pay compensation, the money goes to the tribe.<sup>25</sup>

Are treaties between the United States and another country that regulate hunting and fishing applicable automatically to Indian activities?

No. International treaties do not limit Indian hunting and fishing rights unless they expressly say so. As explained earlier,

while Congress has the power to extinguish these rights, it must do so in clear terms. Indian tribes in the Northwest, for instance, whose fishing rights are protected by a treaty with the United States can continue to use certain nets even though the United States and Canada subsequently entered into a treaty that prohibited the use of this gear.<sup>26</sup>

Can Indian tribes use hunting and fishing methods that did not exist when their treaties were signed?

Yes. The right to hunt and fish carries with it the right to use modern techniques for obtaining wildlife. A tribe that fished from the shore when its treaty was written can today use motorized boats for that purpose.<sup>27</sup>

The right to hunt and fish also includes the right to take wildlife that was not readily available when the reservation was created. A tribe that once hunted bison (with a bow and arrow) is entitled to hunt deer (with a rifle) in exercising its treaty rights.<sup>28</sup> Moreover, when a state creates a hatchery fish program—to replace natural fish taken by non-Indians or depleted due to non-Indian industry—these hatchery fish are to be regarded no differently than natural fish with respect to the tribe's treaty rights.<sup>29</sup>

In addition, the right to hunt and fish includes the right to take wildlife for traditional uses. Indian tribes that used to capture enough fish for commercial purposes can continue to do so, even if the fish are caught on the reservation and sold off the reservation.<sup>30</sup> Tribes also can continue to take fish for their religious needs and ceremonies.<sup>31</sup>

In exercising its hunting and fishing rights, a tribe is limited only by two external rules. First, it cannot take so much wildlife that it endangers continuation ("propagation") of the species in violation of state or federal conservation laws. Second, it cannot take any wildlife that Congress has expressly prohibited it from taking. (These limitations are discussed later in this chapter.) Apart from this, no limits apply except those the tribe imposes on itself.

#### A. NON-RESERVATION HUNTING AND FISHING

Many Indian reservations are located in unpopulated areas of the United States where fish and game are plentiful. This

created more conflict between Indians and non-Indians than Indian hunting, fishing, and gathering rights.

Treaties and statutes that guarantee hunting and fishing rights have been interpreted by the courts to include gathering and trapping rights for those tribes that relied on these methods for obtaining their food.<sup>4</sup> Throughout this chapter, references to hunting and fishing rights refer also to gathering and trapping rights unless the contrary is indicated.

#### Which tribes still have hunting and fishing rights?

Every Indian tribe has the inherent right to be self-governing. This means, among other things, that every tribe has the right to regulate its land and resources, including the taking of wildlife.<sup>5</sup> As explained in chapter 6, a tribe's governing powers can be limited by Congress, but until this occurs, an Indian tribe essentially retains all of its original rights. Obviously, one of its original rights is to hunt and fish within the territory it controlled. "The right to hunt and fish on reservation land is a long-established tribal right."<sup>6</sup>

The right to hunt and fish was expressly guaranteed to many tribes in their treaties with the United States. However, this right is presumed to exist even if the treaty does not mention it. As the Supreme Court explained in 1905, a treaty is not a grant of rights to the Indians but a taking of rights from them. Consequently, if a treaty is silent on the subject of Indian hunting and fishing rights, then these rights are not limited by the treaty and still exist in full force.<sup>7</sup> Tribes whose reservations were created by a presidential executive order rather than a treaty have these same hunting and fishing rights.<sup>8</sup> Indeed, once a reservation is created for an Indian tribe, the tribe can exercise its hunting and fishing rights, even if the reservation does not include any of the tribe's former homelands.<sup>10</sup>

Federal courts have carefully protected Indian hunting and fishing rights because of their importance. Courts have held, for instance, that a treaty that creates a reservation "for Indian purposes" thereby recognizes the tribe's right to hunt and fish on it.<sup>11</sup> The same is true for a treaty that provides land to a tribe "for a home, to be held as Indian lands are held."<sup>12</sup> Similarly, when an Indian reservation is created on an island, and the island's primary food source is fish, the tribe is presumed to retain its fishing rights.<sup>13</sup> Also, a treaty under which Indians

can fish at a certain location "until required to remove by the President" means that the Indians can continue to fish at that location until there is a justified reason for their removal.<sup>14</sup>

There is a presumption, then, that a tribe may hunt and fish on its reservation. However, as explained in chapter 6, Congress has the power to extinguish Indian hunting and fishing rights, but a court will not recognize an extinguishment of these vital rights unless Congress has clearly expressed its intention to eliminate them. Extinguishment cannot be inferred, and any ambiguous language in a treaty or statute will be interpreted in favor of the Indians.<sup>15</sup> This is one of the most important court-made rules concerning Indian rights.

This rule was applied in *Menominee Tribe v. United States* (1968).<sup>16</sup> In that case, the Supreme Court held that the Menominee tribe retained its hunting and fishing rights even though Congress had terminated<sup>17</sup> its reservation. The terminating statute did not mention hunting and fishing rights. Therefore, the Court said, these rights were not affected by the termination and the Menominees could continue to hunt and fish within the terminated area. The Court reaffirmed the principle that every tribe retains its original hunting and fishing rights unless these rights have been extinguished in clear terms by Congress:

"What if a navigable waterway, such as a river or tideland, is included within the boundaries of the reservation: who owns the land underneath it?

Valuable plant and animal life live in the land underneath navigable waterways; perhaps the clearest example are clam and oysters that are found in tidelands. Although the general rule is that a tribe may hunt, fish, gather, and trap all wildlife within its borders even if the treaty that created the reservation is silent as to those rights, an exception exists for the beds of navigable water. The Supreme Court has held that there is "a strong presumption against conveyance" of this land to an Indian tribe.<sup>18</sup> The tribe certainly has a right to take the fish in this water. However, the submerged land and its resources do not belong to the tribe unless it is clear that Congress intended to give them to the tribe.<sup>19</sup>

Is the tribe entitled to compensation when Congress extinguishes its hunting and fishing rights?

Yes. The Fifth Amendment to the Constitution requires that

105. *Kerr-McGee Corp. v. Navajo Tribe*, 471 U.S. 195 (1985); *Southland Royalty Co. v. Navajo Tribe*, 715 F.2d 486 (10th Cir. 1983).
108. *Merrion*, note 102 above; *Southland*, note 108 above.
110. *Confederated Goleville Tribes*, note 47 above.
111. *Buster v. Wright*, 135 F. 947 (8th Cir. 1905), appeal dismissed, 203 U.S. 598 (1906).
112. *Snow v. Quinault Indian Nation*, 709 F.2d 1310 (9th Cir. 1983), cert. denied, 467 U.S. 1214 (1984).
113. *Kerr-McGee*, note 108 above.

## XI

## Hunting, Fishing, and Gathering Rights

Hunting, fishing, and gathering have always been important to Indians. Most tribes, of course, obtained all of their food this way. Access to wildlife, the Supreme Court has noted, was "not much less necessary to the existence of the Indians than the atmosphere they breathed."<sup>1</sup> Many tribes were nomadic and pursued migrations of deer, elk, bison, and anadromous<sup>2</sup> fish. The extent to which fishing was vital to the Northwest Indians, for example, was recently explained by the Supreme Court.

One hundred and twenty-five years ago . . . anadromous fish were even more important to most of the population of western Washington than they are today. At that time, about three-fourths of the approximately 10,000 inhabitants of the area were Indians. Although in some respects the cultures of the different tribes varied . . . all of them shared a vital and unifying dependence on anadromous fish.

Religious rites were intended to insure the continual return of the salmon and the trout; the seasonal and geographic variations in the runs of the different species determined the movements of the largely nomadic tribes. Fish constituted a major part of the Indian diet, was used for commercial purposes, and indeed was traded in substantial volume. The Indians developed food-preservation techniques that enabled them to store fish throughout the year and to transport it over great distances. They used a wide variety of methods to catch fish including the precursors of all modern netting techniques. Their usual and accustomed fishing places were numerous and were scattered throughout the area, and included marine as well as freshwater areas.<sup>3</sup>

Indians have a right to take a considerable amount of wildlife. However, millions of non-Indians now covet these same resources, both for sport and commercial purposes. This, unfortunately, has led to conflict. Indeed, few areas of Indian law have





## **BERTIE COUNTY**

106 DUNDEE STREET  
POST OFFICE BOX 530  
WINDSOR, NORTH CAROLINA 27983  
(252) 794-5300  
FAX: (252) 794-5327  
WWW.CO.BERTIE.NC.US

**BOARD OF COMMISSIONERS**  
NORMAN M. CHERRY, SR., Chairman  
LEWIS C. HOGGARD, III, Vice-Chairman  
RICK HARRELL  
J. WALLACE PERRY  
CHARLES L. SMITH

**ADMINISTRATIVE STAFF**  
ZEE LAMB, County Manager  
MORRIS RASCOE, Assistant County Manager  
MISTY J. DEANES, Clerk to the Board

June 10, 2009

To Whom It May Concern:

Ms. Marilyn Meorado began her tenure with the Bertie County Human Relations Commission on December 2, 2002. Her tenure on the Commission lasted until early 2004. During her tenure, Ms. Meorado served in the role of Vice-Chairman. Ms. Meorado also served as Secretary for a brief period.

See the attached brochure for information about the duties and mission of the Human Relations Commission.

Please feel free to contact me if you have any questions at (252) 794-6110 or via email at [misty.deanes@ncmail.net](mailto:misty.deanes@ncmail.net).

Sincerely,



Misty J. Deanes  
Clerk to the Board/Executive Assistant  
Bertie County

*Daniel & LeCroy, P.A.*

ATTORNEYS AT LAW  
P. O. DRAWER 1325  
MORGANTON, NORTH CAROLINA 28656

PHONE: (704) 433-0700  
FAX: (704) 433-0703

STEPHEN T. DANIEL  
M. ALAN LeCROY  
JAMES W. KILBOURNE, JR.

24 September 1997

Dr. Ewing & Dr. Byrd  
East Carolina University  
Archeology Department  
Greenville, NC 27858-4353

Dear Sirs:

I serve as legal counsel for the Southern Band of the Tuscarora Tribe, incorporated under and by virtue of the laws of the state of North Carolina. The Southern Band, under the leadership of their duly elected Chief, Joseph Cotton, and Subchief, Ed Livingston, ask that they be included in any further discussions concerning the disinterment, repatriation, and final disposition of any Native American remains from locations in and around the Jordan site, the San Souci site, and any other archeological sites which are located in the historic territory of the Tuscarora Nation in North Carolina.

Records in the possession of the Southern Band tend to show that the human remains found at these sites are those of direct linear ancestors of current members of the Southern Band. Therefore, the Southern Band is interested in further discussions about researching this link, and several members have expressed a willingness to submit to DNA testing or other leading edge scientific procedures to further investigate their ancestry.

The Southern Band and I look forward to speaking to you about these and other issues. Feel free to either call my office at the number listed above or the tribal headquarters at (919) 356-2426.

Most Respectfully Yours,

DANIEL & LeCROY, PA



James W. Kilbourne, Jr.



**TRIBAL COURTS ASSISTANCE PROGRAM**  
**Bureau of Justice Assistance,**  
**Office of Justice Programs, U.S. Department of Justice**

**Tribal Court Assistance Program**

**Prior Lake, MN**  
**March 26, 2007**

Presented by the Tribal Judicial Institute with a grant from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA). This training has been approved by BJA for the expenditure of monies from BJA grants received by Tribes and for any other Tribal Justice system wishing to attend.

**USEFUL LINKS FOR RESOURCES AND GRANT MANAGEMENT**

Tribal Judicial Institute  
<http://www.law.und.nodak.edu/npilc/judicial/index.php>

National Tribal Justice Resource Center  
[www.tribalresourcecenter.org](http://www.tribalresourcecenter.org)

Tribal Court Clearinghouse  
[www.tribal-institute.org/lists.tribal law.htm](http://www.tribal-institute.org/lists.tribal%20law.htm)

Tribal Justice Programs  
[www.tribaljusticeprograms.com](http://www.tribaljusticeprograms.com)

Bureau of Justice Assistance  
<http://www.ojp.usdoj.gov/BJA/about/index.html>

Office of Justice Programs Financial Guide  
<http://www.ojp.usdoj.gov/FinGuide/>

*Douglas sent to the Southern Band Tuscarora Tribe  
via fax Aug 22, 1997  
Ft. test held Nov 1997.*



May 30, 1996

Mr. Douglas Anderson  
1583 Upper Mountain Road  
Lewiston, New York 14092

Dear Mr. Anderson:

This letter is in response to our telephone conversation of May 28, 1996 and your letter requesting information concerning the disposition of the human remains of the ancient Tuscarora, which I received by fax this morning (May 30, 1996).

The information you requested is as follows:

1. My contacts with the governing body of the Tuscarora Nation include: The delegation that visited East Carolina University in December, 1995, to discuss the disposition of the Tuscarora remains and associated artifacts - Chief Kenneth Patterson and Mrs. Patterson along with delegates Rick Hill (NAGPRA representative) and Vince Shiffert; I have had telephone conversations and correspondence with Chief Leo Henry, Clerk of the Council; and, in the past, the late Chief Edison Mount Pleasant and Mrs. Mount Pleasant have visited here and we had telephone contacts (dating back to the mid-1970's).
2. With the exception of a string of 50 Marginella shell beads from the Jordan's Landing site in Bertie County which I gave to Chief Mt. Pleasant in 1974, no artifacts or human remains have been turned over to the Tuscarora Nation - this will be done when the Tuscarora Nation decides upon the disposition of such remains. As I told you in our phone conversation, I am bound by the Native American Graves Protection and Repatriation Act to abide by the decision made concerning reburial by the Council of Chiefs of the Tuscarora Nation. To date, no decision has been made as far as I am aware. When that decision is made, we will immediately comply.
3. A list of sites with Tuscarora remains that we have either excavated or from which collections have been given us includes the following:

*11  
Items  
of Art*

- 31BR7 - Jordan's Landing, Bertie County
- 31BR5 - San Souci East, Bertie County *Smith Hill Dr. Dist.*
- 31GR4 - Neoheroke Fort, Greene County.

A list of these and a catalog of the remains and artifacts were provided for the Tuscarora delegation in December, 1995.

I hope this will provide you with the information you desire. As to the decision on where to rebury the human remains, I have no authority; that decision must come from the governing body of the

Institute for Historical and Cultural Research

919-762-6600/6607  
919-757-4203 Fax

*Archaeology  
Lab  
719-328-6905  
Anthropology  
328-1071*

-2-

Tuscarora Nation.

If I can be of further service to you, please let me know. I should also caution you to be aware of your sources of information; considerable misunderstanding can come from such false claims as "corn in the burials to sustain the afterlife" when in fact no corn has ever been found in a Tuscarora grave - the corn observed in our lab came from the floors of burned houses; and "DNA testing" on the human remains when in fact no tests of that sort have ever been done on the Tuscarora remains and would not be without permission.

Most sincerely,



David Sutton Phelps  
Associate Director

cc: Chief Leo Henry, Clerk

Daniel B. LeCroy, P.A.

PROFESSIONAL CORPORATION  
P. O. BOX 1889  
ROSELAND, NORTH CAROLINA 28068

PHONE (704) 433-6708  
FAX (704) 433-0703

STEPHEN T. DANIEL  
M. ALAN LACROIX  
JAMES W. KILBOURNE, JR.

24 September 1997

Dr. Ewing & Dr. Byrd  
East Carolina University  
Archaeology Department  
Greenville, NC 27838-4353

Dear Sirs:

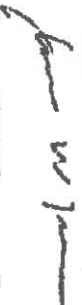
I serve as legal counsel for the Southern Band of the Tuscarora Tribe, incorporated under and by virtue of the laws of the state of North Carolina. The Southern Band, under the leadership of their duly elected Chief, Joseph Cotton, and Subchief, Ed Livingston, ask that they be included in any further discussions concerning the disinterment, repatriation, and final disposition of any Native American remains from locations in and around the Jordan site, the Sun Soudi site, and any other archeological sites which are located in the historic territory of the Tuscarora Nation in North Carolina.

Records in the possession of the Southern Band tend to show that the human remains found at these sites are those of direct linear ancestors of current members of the Southern Band. I therefore, the Southern Band is interested in the above discussions about researching this link, and several members have expressed a willingness to submit to DNA testing or other leading edge scientific procedures to further investigate their ancestry.

The Southern Band and I look forward to speaking to you about these and other issues. Feel free to either call my office at the number listed above or the tribal headquarters at (919) 358-2426.

Most Respectfully Yours,

DANIEL B. LACROIX, PA

  
James W. Kilbourne, Jr.



Coastal Archaeology Office  
Institute for Historical  
and Cultural Research  
College of Arts and Sciences

103A Phelps Archaeology  
Laboratory

919-328-4862  
919-328-4263 fax

MEMORANDUM

To: Meeting Participants

From: David S. Phelps

Subj: Neoheroke Fort Meeting, Snow Hill, NC

Date: December 5, 1997

Thank you all for attending the Neoheroke Fort meeting in Snow Hill, NC. on November 17, 1997. Pete Miller and I want to express our gratitude for your presence, valuable input and support for the concept of developing the Neoheroke Fort as a National Historic Site or Landmark and as a memorial to all of the Tuscarora people past and present.

Enclosed is a list of participants including addresses and telephone numbers. I encourage all of you to exchange useful ideas and information as we move forward with this project.

The next step in the process is to nominate Neoheroke Fort to the North Carolina Study List of potential National Register of Historic Places sites. This documentation will be submitted for the January, 1998, meeting in Raleigh. At the same time, we will move forward with the development of a pamphlet which describes the site and its historic significance and which will outline the goals of the project. The National Park Service has sent copies of posters for other sites that we may use as models for producing a poster as well as the pamphlet. They have also sent the names of groups who have had previous experience in such site nominations so that we may have the benefit of their experience. I have also made an appointment with Congressman Walter B. Jones, Jr. (Third District, NC), in early January to discuss the project with him.

Please let us know your thoughts on the meeting, the concept and the consensus that I presume all of those present have developed, and do not hesitate to call or write and discuss any aspects of this project with us.

If all goes well with this project, it certainly lends new meaning to the meeting of cultures of which Thanksgiving is symbolic.

called 6-7-98

Tuscarora Nation (New York)

Chief Kenneth Patterson and Mrs. Florence Patterson 716-297-3975  
Tuscarora Nation Council of Chiefs  
1967 Upper Mountain Road  
Lewiston, NY 14092

Chief Stuart Patterson 716-298-5114  
Tuscarora Nation Council of Chiefs  
1983 Upper Mountain Road  
Lewiston, NY 14132

Mr. Franklin Patterson 716-297-7806  
Lewiston, NY 14092

Mr. Neil Patterson 716-297-5553  
Mr. Neil Patterson, Jr.  
2045 Upper Mountain Road  
Sanborn, NY 14132

Mr. Vince Shiffert 716-297-2682  
P. O. Box 582  
Sanborn, NY 14132

Tuscarora Tribe of North Carolina

Chief Cecil Hunt 910-521-1861  
P. O. Box 8  
Pembroke, NC 28372

Vice-Chief Elisha Locklear 910-521-8347  
P. O. Box 1180  
Pembroke, NC 28372

Mr. Robert Locklear 910-521-1861  
P. O. Box 8  
Pembroke, NC 28372

Southern Band, Tuscarora Indian Tribe

Mr. Ed Livingston 919-358-2426  
Mrs. Marilyn Livingston  
P. O. Box 14  
Winton, NC 27986

National Park Service

Dr. John Ehrenhard, Chief\* 904-580-3011  
Southeastern Archaeological Center Ext. 123  
National Park Service  
2035 East Dirak Drive, Johnson Bldg. Box 7  
Tallahassee, FL 32310

\* Dr. Ehrenhard could not attend the Nov. 17 meeting;  
was here on Wednesday, Nov. 12 when he visited the  
site and met with Phelps, Byrd, Miller and Mewborn.



ATTENDANCE LIST

Neoheroke Fort Meeting, Greene County Government Center, Snow Hill, NC

Date: 17 November, 1991

Sponsored by: Greene County Economic Development Council and the  
Institute for Historical and Cultural Research,  
East Carolina University

Greene County Economic Development Council

O. P. ("Pete") Miller, Director  
Greene County Economic Developer  
229 Kingold Blvd., Snow Hill, NC 28580

919-741-5801

*Called 6-7-98*

East Carolina University

*not long distance - 2*

Dr. David S. Phelps, Associate Director  
Institute for Historical and Cultural Research  
103A Phelps Archaeology Laboratory  
East Carolina University, Greenville, NC 27858

252  
919-328-4262 (o)  
919-756-6747 (h)

Dr. John E. Byrd, Research Associate  
Institute for Historical and Cultural Research  
Phelps Archaeology Laboratory  
East Carolina University, Greenville, NC 27858

*Drop # 328-6766*

*Donna Adams*

919-328-6760 (o)  
919-353-1344 (h)

*6-7-98*

Dr. W. Keats Sparrow, Dean  
College of Arts and Sciences  
1002 General Classroom Bldg.  
East Carolina University, Greenville, NC 27858

919-328-6249

Ms. Nancy Gray  
ECU News Bureau  
East Carolina University, Greenville, NC 27858

919-328-6481

North Carolina Commission of Indian Affairs

Mr. Elk Richardson - *Greg Richardson now*  
Ms. Darlene Jacobs  
Mr. Earl Evans  
NC Commission of Indian Affairs  
217 West Jones Street  
Raleigh, NC 27603-1336

919-733-5998

North Carolina Division of Archives and History

Mr. Steve Gaggett, State Archaeologist  
Office of State Archaeology  
NC Division of Archives and History  
109 East Jones Street,  
Raleigh, NC 27601-2807

919-733-7342

The Newborn Family (Site Owners)

Mr. George L. Newborn, Jr. 919-747-3032  
Mrs. Connie Newborn  
Mr. George L. Newborn, III  
P. O. Box 5  
Snow Hill, NC 28580

Media Representatives

THE NEWS AND OBSERVER (Raleigh)  
Mr. Jerry Allegood 919-752-8411  
P. O. Box 3524  
Greenville, NC 27858

THE DAILY REFLECTOR (Greenville)  
Mr. Jim Haug 800-899-6166  
P. O. Box 1967  
Greenville, NC 27858

WNCT-TV, Greenville, NC (Karia Allegood)\*  
WCTI-TV, New Bern, NC (Daniel McCarthy)\*  
\* Television coverage consisted of on-site footage  
and interviews conducted on November 20, 1997.

Others Attending

Ms. Elizabeth Roberson 919-792-2339  
106 West Church Street  
Williamston, NC

Ms Catherine A. Galloway, Research Assistant  
Coastal Archaeology Office  
Phelps Archaeology Laboratory  
East Carolina University, Greenville, NC 27858

# Pierce

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919-332-5161 \* 800-548-1382 \* Fax # 919-332-4234

FAX COVER/TRANSMITTAL SHEET

FAX NUMBER : (919) 332-4234

DATE 11-19-97 # OF PAGES INCLUDING THIS ONE 8

Please deliver the following page(s) to:

NAME: ROAD COMMISSIONER - DOUGLAS ANDERSON  
NATION

COMPANY: TUSCARORA NATION

FAX #: 716-297-3378

FROM: SOUTHERN BAND TUSCARORA INDIAN TRIBE

EDWARD McCoy Livingston - CHIEF

COMMENTS: AT MEETING IN SNOW HILL N.C.

Kenneth Patterson represented himself Pres Chief  
of Tuscarora Nation in NY. Stuart Patterson, Mrs. Pat

Franklin Patterson + 2 others there, NC Indian Commission

S.B.T.I.T. ) myself + Marilyn W. Livingston SBTIT  
PO Box 14

winston ) Cecil Hunt + Robert Locklear Tusc. Tribe NC

Archaeologist Phelps + Bond, Membership training directing  
for monument.

# Pierce

98  
            
COMMERCIAL PRINTERS

358-2426

## PRINTING COMPANY, INC.

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919-332-5161 \* 800-548-1382 \* Fax # 919-332-4234

FAX COVER/TRANSMITTAL SHEET

FAX NUMBER : (919) 332-4234

DATE 3-5-98 # OF PAGES INCLUDING THIS ONE 17

Please deliver the following page(s) to:

NAME: Doug Anderson

COMPANY: ROAD COMMISSIONER - TUSCARORA NATION

FAX #: 716-297-3378

FROM: Chief Ed Livingston

SOUTHERN BAND TUSCARORA INDIAN TRIBE

COMMENTS: EPA DECISION BACKS MAY

Apply in your case?

ONE



We this many of us the *Mohawk Council*, do hereby welcome at this time all and every Nation, Tribe and Peoples of the once greatly respected LEAGUE OF NATIONS as Allies in PEACE and FELLOWSHIP,

We the *Mohawk Council* at this fortunate time, when the Unity is needed, greet with Open Arms of Good Mind the opportunity to Revisit and Rekindle the Council Fires of one of our Cousins of the *Southern Band Tuscarora of Bertie Co. NC*

These delegates of the aforesaid Cousined Peoples have brought with Grace Honour and Good Manner the words of Peace, Trust and Friendship. This is the time to swear in One Heart, One Head, One Body the Power of the Fellowship and Peace. So then at this date the Council Fire of these Peoples the *Mohawk Council and Southern Band Tuscarora* as Peoples of the LEAGUE OF NATIONS, Allies to each and the other has been Revisited and Rekindle. Now We say that the issues of one Peoples is the issue of all Peoples, United by the Council Fire of Peace and Fellowship,

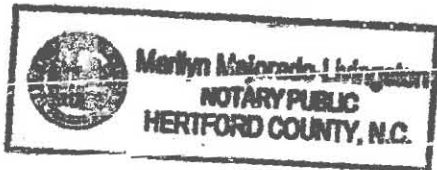
We (this many of us of the Mohawk Council) will with all intent and ability use our common Treaties, Wampum Belts and Library of documentations to assist in the resolving of issues of the Peoples, Nations and Tribes of the LEAGUE OF NATIONS,

Principle Signitures:

*DAVE 'TIE'HWAKUAIH' MCINTYRE*

*Mohawk Council CAH*

*EDWARD KOONA HAAGW LIVINGSTON HEAD SACHEM*



*Marilyn Meador Livingston  
Commission expires 1-6-2007*



UNITED NATIONS



NATIONS UNIES

HIGH COMMISSIONER FOR HUMAN RIGHTS

HAUT COMMISSAIRE AUX DROITS DE L'HOMME

NEW YORK OFFICE

BUREAU DE NEW YORK

POSTAL ADDRESS-ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017  
CABLE ADDRESS-ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

TELEPHONE: (212) 963 5930; (212) 963 5931  
FACSIMILE: (212) 963 4097



6 July 1998

Dear Friend,

The Office of the United Nations High Commissioner for Human Rights, in cooperation with the NGO *Committee on the Decade of the World's Indigenous Peoples*, UNESCO and the United Nations Department of Public Information is sponsoring events to commemorate the INTERNATIONAL DAY OF THE WORLD'S INDIGENOUS PEOPLE at the United Nations Headquarters in New York on 5 and 6 August 1998.

This year's events are organized around the theme of "Education and Language". In addition to the traditional Sacred Pipe Ceremony for Peace and other cultural events in the morning of 5 August, a panel dialogue with indigenous and United Nations representatives is envisaged for the opening day. On 6 August, there will be a Human Rights Training Workshop facilitated by indigenous and United Nations representatives. More detailed information on the programme is attached in an information note to this letter.

We are writing to invite you or your representative to attend this event. Kindly inform us by 30 July 1998 whether you will be able to attend so that we can ensure access to the United Nations building. Please respond to the Office of the High Commissioner for Human Rights, United Nations Headquarters, Room S-2914, New York, NY. 10017. Tel. (212) 963 5930, Fax. (212) 963 4097.

All travel and related expenses should be born by your organization.

We are honoured to be hosting the fourth celebration of the International Day of the World's Indigenous People. We look forward to sharing this commemorative occasion with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Bacre W. Ndiaye".

Bacre W. Ndiaye

Director, New York Office,

Office of the United Nations High Commissioner for Human Rights

## INFORMATION NOTE

### Commemoration of the 1998 International Day of the World's Indigenous People

#### Date, time and place

The events will be held from 5 to 6 August 1998 at the United Nations Headquarters in New York.

Opening ceremony (Wednesday, 5 August 1998, from 11.30 am to 1.30 pm)

On Wednesday, 5 August, the commemoration will commence at 11.30 am at visitors' entrance Plaza, with opening statements to be read on behalf of the Secretary-General and the High Commissioner for Human Rights. At 12.00 am a traditional Sacred Pipe Ceremony will be carried out by Dr. Arvel Locking Horse (Lakota), facilitated by various other ceremonial and musical presentations until 1.30 pm.

Panel discussion and dialogue (Wednesday, 5 August 1998, from 3 to 6 pm).

From 3 to 6 pm on Wednesday, 5 August, a panel discussion and dialogue will be held in Conference Room 4 (Basement level, United Nations Secretariat Building). Parties include indigenous and United Nations representatives and they have been asked to focus their interventions on the theme of "Education and Language" (this theme was selected by the IN Working Group on Indigenous Peoples to be this year's focus).

After the panelists make their statements, the floor will be open to questions and comments from participants. In order to make the afternoon as productive and informative as possible, we ask that your interventions be as concise as possible, focusing on the theme of "Education and Language". The following three objectives are those which you could address during the dialogue:

1. How would you envisage the implementation in practical terms of the right to education of indigenous children in their own language and culture (non-formal or formal school systems, level, etc)? What are the difficulties encountered and the positive lessons learnt?
2. Suggest positive measures by which peoples can enhance cross-cultural understanding, tolerance and appreciation of indigenous cultures through education and public information.
3. Address the role of media (audio and visual) in preserving and developing indigenous cultures and languages.

Human Rights Workshop (Thursday, 6 August 1998, from 10 am to 1 pm and from 3 to 5 pm)

On Thursday, 6 August, from 10-11 am, a panel presentation will take place with UN agencies giving overall introductions of their work as it pertains to indigenous peoples. Subsequently, participants will be able to select one of several working groups on specialized themes. There will be two facilitators for each working group, from United Nations agencies and indigenous organizations. The purpose of the working groups is to learn about the UN human rights programmes and reporting mechanisms as well as about other UN areas of interest to indigenous peoples (for example development, health, environment), with the help of hand-outs and other materials.



Tentative Working Groups:

- Working Group 1: special focus on children's rights  
Working Group 2: special focus on development and environment  
Working Group 3: special focus on land rights

Each participant will be asked to identify which working group he or she would like to join after the morning plenary on 6 August.

From 3 to 4 pm on Thursday, 6 August, all working group participants will select a spokesperson for their group and draft a short briefing on the work of the group.

From 4 to 5 pm, the working groups' reports will be presented at the closing plenary with conclusions and recommendations.

Special request:

In order to facilitate the dissemination of information and the more efficient organization of events, we would appreciate if, whether you attend the August event or not, you could send us your organization's phone number, fax number and email if available.

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3301**

March 10, 2003

Elizabeth Dole  
B-34 Dirksen Senate Office Building  
United States Senate  
Washington, DC 20510

Dear Senator Dole:

Please find enclosed a facsimile received from Marilyn Mejorado-Livingston, a constituent from my District.

Ms. Mejorado-Livingston is asking to amend S.420, which you recently introduced, to include the Southern Band Tuscarora Indian Tribe. Ms. Mejorado-Livingston stated that she has been in communication with your office regarding this request. Further, Ms. Mejorado-Livingston is forwarding the petition for your review.

I would like to state my utmost interest in the affairs of the Native Americans in my district. Please keep me updated on how I can assist you further in this matter.

Thank you for allowing me to assist you in this matter. If you have any questions, please contact Derek K. Brown in my office.

Sincerely,



Frank W. Ballance, Jr.  
Member of Congress

Cc: Marilyn Mejorado-Livingston



September 7, 2001

Enrollment Office  
The Southern Band Tuscarora Indian Tribe  
P.O. Box 14  
Winton, NC 27986

**SENT VIA CERTIFIED RETURN RECEIPT REQUESTED MAIL  
(RETURN RECEIPT #: 7001 0360 0002 9209 0397)**

**Re: Unborn Baby Prevatte, Due approximately January/February, 2001**

Dear Sir/Madam,

Thank you for your prompt consideration of this request involving a child due to be born approximately January/February, 2001.

This agency is currently assisting a birthmother in adoption planning. She reported that she may have some Cherokee heritage stemming from her father's side, and some Iroquois heritage stemming from her mother's side. Her information, to the extent it can be reasonably known, follows:

**Birthmother History:**

Amber Prevatte (married name: Carison); Place of Birth: Peoria, Illinois; Date of Birth: July 6, 1978.

**Birthmother's Father (Possible Cherokee Heritage):**

Child's Maternal Grandfather: Roy A. Prevatte; Place of Birth: Missouri; Date of Birth: March 29, 1959.

**Birthmother's Paternal Grandparents:**

Child's Maternal Great-Grandparents: Doris and James Prevatte; Places of Birth: unknown; Dates of Birth: unknown.

**Birthmother's Mother (Possible Iroquois Heritage):**

Child's Maternal Grandmother: Cynthia P. Robinson; Place of Birth: Peoria, Illinois; Date of Birth: February 23, 1960.

**Birthmother's Maternal Grandparents:**

Child's Maternal Great-Grandparents: Greta and Richard Robinson; Places of Birth: unknown; Dates of Birth: unknown.

Thank you for advising us in writing as to whether the expected child is considered an enrolled member of the tribe and whether or not the tribe wishes to intervene in this adoption.

Sincerely,



Meredith H. Davies, JD  
Adoption Case Manager

CC: BIA Office, Eastern Oklahoma Region  
BIA Office, Eastern Region  
BIA Office, Midwest Region  
Cherokee  
Eastern Band Of Cherokees, Cherokee, NC  
Cherokee Nation, Tahlequah, OK  
United Keetowah Band Of Cherokee Indians In Oklahoma, Park Hill, OK  
Iroquois Confederacy Six Nations  
Cayuga Nation of New York, Versailles, NY  
Oneida Indian Nation, Onieda, NY  
Oneida Nation of Wisconsin, Milwaukee, WI  
Onondaga Nation of New York, Nedrow, NY  
Seneca Nation of Indians, Salamanca, NY  
Seneca Nation of Indians, Irving, NY  
+ Southern Band Tuscarora Indian Tribe, Winton, NC +  
St. Regis Mohawk Tribe, Akwesasne, NY  
St. Regis Mohawk Tribe, Hogansburg, NY  
Tonawanda Band of Seneca, Basom, NY  
Tuscarora Nation, Lewistown, NY

DATE: 02/15/2000

FEDERAL EMERGENCY MANAGEMENT AGENCY  
PROJECT APPLICATION SUMMARY (P.2)  
DISASTER #: 1292

PACKAGE NO: 88

P.A. ID: 015-08018-00 APPLICANT: SOUTHERN BAND TUSCASORA TRIBE

PW#	VSN	CAT	INF	PROJECTED COMPL DATE	APPROVED PW AMOUNT
2808	0	E	N	03/16/2001	\$5,009.04

Site Number: 1

DAMAGED FACILITY: CONTENTS OF MUSEUM

FACILITY LOCATION: 121 GRANVILLE ST.

SCOPE OF WORK: REPAIR/REPLACE DAMAGED ITEMS LISTED IN THE ATTACHMENTS.

1 PW	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE
PWs:	\$5,009.04	\$3,756.78
SUBGRANTEE ADMIN EXP:	\$150.27	\$150.27
TOTAL:	\$5,159.31	\$3,907.05

GRAND TOTAL: 1 PW

	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE	
PWs:	\$5,009.04	\$3,756.78	
SUBGRANTEE ADMIN EXP:	\$150.27	\$150.27	
TOTAL:	\$5,159.31	\$3,907.05	GRANTEE ADMIN EXP: \$19.54

APPROVED BY: KAREN TAYLOR MOODY  
PUBLIC ASSISTANCE OFFICER

DATE: 2/11/00 21:00:33



North Carolina Department of Crime Control and Public Safety

James B. Hunt Jr., Governor

David E. Kelly, Secretary

March 7, 2000

Southern Band Tuscarora Indn Tribe  
PO Box 14  
Winton, NC 27986

Applicant ID Number: 015-U8018-00

Enclosed please find warrant number 258719 in the amount of \$5,009.00 to assist in your recovery efforts as a result of the Hurricane Floyd. Please complete the enclosed certification form and return it to the address listed below:

NC Emergency Management  
Attn: Administration  
205 West Cabarrus Street  
Raleigh, NC 27601-1710

If you have any further questions concerning this payment, please call (919) 715-9732. Thank you for your assistance in this matter in regards to receipt of this payment.

Sincerely Yours,

J. Michael Barham, Controller

Enclosures

FIRST

MAILING ADDRESS:  
4701 Mail Service Center  
Raleigh, NC 27699-4701  
Telephone: (919) 733-2126



www.NCCrimeControl.org  
An Equal Opportunity/Affirmative Action Employer

OFFICE LOCATION:  
512 N. Salisbury Street  
Raleigh, NC 27604-1159  
Fax: (919) 715-8477



## North Carolina Department of Crime Control and Public Safety

James B. Hunt Jr., Governor

David E. Kelly, Secretary

August 30, 2000

Southern Band Tuscasora Indn Tribe  
PO Box 14  
Winton, NC 27986-0014

Applicant ID Number: 015-U8018-00

Enclosed please find warrant number 444681 in the amount of \$150.00 to assist in your recovery efforts as a result of the Hurricane Floyd. Please complete the enclosed certification form and return it to the address listed below:

NC Emergency Management  
Attn: Administration  
1830-B Tillery Place  
Raleigh, NC 27604

If you have any further questions concerning this payment, please call (919) 715-9732. Thank you for your assistance in this matter in regards to receipt of this payment.

Sincerely Yours,

A handwritten signature in cursive script that reads "J. Michael Barham".

J. Michael Barham, Controller

Enclosures



ADDRESS:  
Mail Service Center  
Raleigh, NC 27699-4701  
Phone: (919) 733-2126



[www.NCCrimeControl.org](http://www.NCCrimeControl.org)

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OFFICE LOCATION:  
512 N. Salisbury Street  
Raleigh, NC 27604-1159  
Fax: (919) 715-8477