

BYLAWS OF THE MONACAN INDIAN NATION

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ARTICLE 1. NAME OF ORGANIZATION

Monacan Indian Nation Incorporated
Mailing Address:
P.O. Box 1136
Madison Heights, VA 24572

ARTICLE 2. OBJECTIVES

Section 1. The Monacan Indian Nation is organized as a non-profit Corporation and shall be operated specifically, primarily, and exclusively for charitable literary, educational, and philanthropic purposes which shall include the establishment of a forum for the interchange of ideas and information between the Monacan Indians and all other Indian Nations. The study of the past and present culture and language of the Monacan people, the improvement of standards of living, health, image, education, and professional attainment of the Monacan people, along with the identification of all Indian People of the Monacan Nation are the Corporations main objectives. The Monacan people shall utilize all available resources including scholarships, the development of relationships with governmental and other agencies and organizations to secure monetary and other assistance in the attainment and furtherance of objectives of this Corporation. (changed 2/22/1997)

Section 2. The corporation is formed to operate exclusively for such charitable and educational purposes as will qualify it as an exempt corporation under Internal Revenue Code 501(c) and section 502 (c)(4). Including for such purposes the making of distributions to organizations under said code.

Section 3. No part of the earnings or assets of this corporation, on dissolution or otherwise, shall insure to the benefit of any private individual or any Director of this Corporation.

Section 4. This Corporation shall not, as a substantial part of its activities carry on propaganda or otherwise attempt to influence legislation of Tribal Council or majority of voting members. This Nation shall not participate in or intervene in (including publishing or distributing statements) any political campaign on behalf of any

Section 5. No Individual or Individuals will represent the Monacan Indian Nation without express written consent, signed, dated and approved by the Monacan Council. (changed 2/22/1997)

Section 6. Any debt indebting the Nation for any amount to exceed \$500.00 or establishing a recurring debt, or payment, must be approved by the Tribal Council and present to the Tribe for the vote at the next scheduled tribal meeting. (add 3/2013)

ARTICLE 3. MEMBERSHIP

Section 1. Members – Any descendant of the Monacan People may become an active member of this Nation upon proof and documentation of his/her continual bloodline and approval by Full Tribal Council.

- A. The Tribal Council will then present the new applicant to the Tribe for membership approval. The majority of the Nation then present will vote for or against the applicant's admission to the Nation.

Section 2. The voting age of all members will be eighteen (18) years or older.

Section 3. Only Registered Monacans, eighteen (18) years or older will be allowed to vote in any Tribal election.

Section 4. Election of Chief and Assistant Chief will be on site voting and can include notarized absentee ballots provided by the Monacan Nation (Virginia).

All voting will take place at the Monacan Indian Nation Tribal Center in Amherst County Virginia. Positions are named by a majority vote. (change March 2013)

Section 5. Honorary Membership status in this Nation may be conferred upon individuals who have aided in promoting the ideals and welfare of this Nation, by the unanimous vote of the Tribal Council, Chief and Assistant Chief. Honorary members have no voting status, however upon request may serve on committees.

ARTICLE 4. OFFICERS

Section 1. Numbers – The officers of the Monacan Indian Nation shall consist of the Chief, Assistant Chief, Secretary, Treasurer, and other such officers as from time to time may need to be elected. Secretary and Treasurer will be nominated from the Tribe and elected at the next Tribal meeting by all present. (change 11/21/1998)

Section 2. Term – Each officer shall serve the people under the Laws of the people as set forth in these Bylaws.

Section 3. Termination – Any officer elected by the Nation may be removed by the Nation with just cause.

Section 4. Compensation – All officers duly elected or appointed by the Nation shall serve without compensation.

Section 5. Chief – The Chief shall be the Principle Executive Officer of the Nation and subject to the laws of the Tribal Council and the Nation. He/She shall perform all duties incident to the office of Chief and such other duties as may be prescribed by the Nation. Term of office is four (4) years and can be re-elected for a maximum tenure for 2 terms. (change 06/18/2011).

Section 6. Assistant Chief – The Assistant Chief unless otherwise determined by the Nation shall in the absence or disability of the Chief, shall perform all duties and have all powers of the Chief until the Chief returns. He/She shall also perform such other duties and have other powers as the Nation shall prescribe. Term of office is four (4) years and can be re-elected.

Section 7. Secretary – The Secretary shall keep accurate records of the acts and proceedings of all meetings of Tribal Council and Corporation meetings. He/She shall give all notices required by Law and these Bylaws. He/She shall perform all duties incident to the office of Secretary and such other duties as may be assigned him/her from time to time by the Chief or by the Nation. Term of office is four (4) years and can be re-elected.

Section 8. Treasurer – The Treasurer shall have custody of and charge of all funds and securities belonging to the Nation and shall deposit or disburse the same under the direction of the Tribal Council. He/She shall pay all bills and keep accounts against the Nation, when approved by the Tribal Council. He/She shall keep full accurate records of the finances of the Nation. He/She shall report to the Tribal Council of the financial condition of the Nation whenever called upon to do so. He/She shall cause true statements of the receipts and disbursement of said to be filed with the regular minutes of the Nation each month. The Treasurer shall in general perform all duties incident to his/her office and such other duties as may be assigned to him/her from time to time by Tribal Council. Term of office is four (4) years and can be re-elected.

ARTICLE 5. TERMS AND DUTIES OF OFFICERS

Section 1. Chief

- A. The Chief will set on the Tribal Council and will have a voice, but will not vote except to break a tie.
- B. The Chief shall preside over all Tribal Meetings.
- C. The Chief must reside in a permanent dwelling within a sixty (60) mile area of Amherst County.
- D. The Chief will be elected by the Nation.
 - 1. The election of Chief and Assistant Chief will be held on the day of the Annual Tribal meeting in June. The election officials will be appointed by the Tribal Council and cannot be members of the Nation. The Tribal Council will also appoint someone from the Nation to oversee the election process. (change 03/2013)
- E. The Chief shall have and possess the full authority of the Nation to determine and authorize whether election officials, including the Secretary of the Department of Interior, shall be required to use the Nation’s elections and voting procedures, or those of Secretarial elections listed in the applicable section of the United States Code of Federal Regulations. (change 02/2023)
 - 1. The vote will be taken by secret ballot and notarized absentee ballots. The election will be from 8:00am to 4:00pm. All absentee ballots must be received by the Election Committee on or before election day. (change 03/2013)
- F. The Chief and Assistant Chief will serve a four (4) year term and can be re-elected.
- G. The Chief shall represent the Monacan Nation in all functions that the Nation deems appropriate.
- H. All newly elected Chiefs Regalia (Indian Dress) will be paid for by the Tribe, not to exceed the amount of \$500.00. This is limited to a onetime expense. (change 06/18/2011)

- I. All outgoing Chiefs will automatically become an Honorary Chief.
- J. Ratify and finalize all acts of the Tribal Council that are intended to become public law or veto such acts and send back to the Tribal Council for reconsideration; except that the Chief's veto shall not prevail against the majority vote of members present at a Tribal meeting. Where the Chief vetoes an act of the Tribal Council intended to become public law, members present at a Tribal meeting may vote to override the veto. (change 02/2023)

Section 2. Assistant Chief

- A. The Assistant Chief will upon the absence of the Chief take over the Tribe and all the duties of the Chief.
- B. All laws that apply to the Chief also apply to the Assistant Chief.
- C. All outgoing Assistant Chiefs will become Honorary Chiefs.
- D. The Assistant Chiefs Regalia (Indian Dress) will be paid for by the Tribe, not to exceed the amount of \$500.00. This is limited to a onetime expense. (changed 06/18/2011)

Section 3. Secretary

- A. The Secretary will be nominated from the Nation and elected by all present at the next Tribal meeting to serve a four (4) year term. (change 11/21/1998)
- B. The Secretary can be re-elected.
- C. The Secretary will receive all incoming mail and handle all outgoing correspondence.
 - 1. The elected Secretary will have the right to appoint a Correspondence Secretary to help handle all mailings and various duties that the Secretary authorizes.
 - 2. The appointed Correspondence Secretary is not an Officer of the Nation, but an assistant to the Secretary.
 - 3. The appointed Correspondence Secretary must be approved by the Tribal Council.
- D. All mailings for Tribal Business must be filed by the Secretary of the Nation.
- E. The Secretary will record and read all minutes from all Tribal Meetings.
- F. The Secretary will notify Council and Tribal members of all meetings.
- G. The Secretary will write up a Tribal agenda each month after the Council Meeting and mail agenda to each Council member at least one (1) week before the Tribal Meeting.

Section 4. Treasurer

- A. The Treasurer will be nominated from the Nation and elected by all present at next Tribal meeting to serve a four (4) year team. (change 11/21/1998)
- B. The Treasurer will maintain an accurate record of all funds and securities of the Tribe.
- C. The Treasurer will report to any Tribal Member upon being ask the amount of said funds.
- D. The Treasurer will procure and maintain such accounts as the Council and Nation deem necessary. Such as the Powwow account, Land account, Scholarship account, etc.

- E. The Treasurer may appoint a person to take care of certain business on his/her behalf.
 - 1. The appointee must be approved by the Tribal Council.
- F. The Treasurer will be responsible for seeing that all financial records are kept up-to-date and that tax forms are given to an Accountant to file taxes for the Nation.
- G. The Treasurer is not responsible for figuring the taxes, just making sure they are properly filed.

ARTICLE 6. MEETINGS

Section 1. The Tribal Meetings will be held the third (3rd) Saturday of opposite months of the Council meetings, unless otherwise changed by the Tribal Council. (change 10/18/2003)

Section 2. Council Meetings will be held the opposite months of the Tribal Meetings at a place and time determined by Council Members. (change 10/18/2003)

Section 3. The regularly June Meeting shall be known as the Annual Monacan Tribal Meeting. This meeting shall be for the purpose of receiving reports on the yearly progress of the Tribe and its various committees and business reports. (change 11/21/1998)

Section 4. Special Meetings – Special Meetings for the Tribe may be called at any time by the majority members of the Tribal Council. The purpose of the meeting will be stated in the call. There will be a three days’ notice given except in an Emergency. This notification is the Secretary’s responsibility.

ARTICLE 7. TRIBAL COUNCIL

Section 1. General Powers – The business and affairs of the Monacan Nation shall be managed by a Tribal Council consisting of at least seven (7) members, but not more than (12) members of whom 2/3 are from Virginia. Council will hold an election within two (2) months to replace at least two (2) members if the Council has only seven (7) active members. (changed 01/27/1996, 02/26/2000)

- A. The Council may also have additional members, from other Monacan communities in other states.
 - 1. These Communities must have fifty (50) registered members and elect their representatives at their Tribal Meeting.
 - 2. A letter announcing the elected individual must be sent to the Secretary of the Monacan Nation to be filed in the office.
 - 3. This will enable this member to vote on the Monacan Council if present.
 - 4. All agendas, minutes, flyers or handouts distributed at these satellite community meetings must also be made available to the Tribal Council in Amherst Virginia (add 10/18/2002)

Section 2. Other Monacan Communities – All Monacan Nation Communities outside Amherst County, Virginia must abide by the objectives set forth by the Governing Body of The Monacan Indian Nation of Amherst Virginia.

Section 3. Numbers, Term, Qualification – In accordance with existing charter provisions, three (3) Tribal Council members shall be elected annually for a four (4) year term. Each Council Member shall hold office until his death, resignation, removal, disqualification or his/her successor is elected.

COUNCIL MEMBERS MUST BE ACTIVE!!

- A. After a Tribal Council Member has served for four (4) years, that person shall be eligible for re-election.
- B. Tribal Council Members must be of Monacan blood.
- C. A Council Member can be relieved of his/her duties upon missing four (4) unexcused Council or Tribal Meetings in a twelve (12) month period.
 - 1. Legal excuses can be job related.
 - a. If continued job schedule prohibits Council Member from attending Council and or Tribal Meetings, Council Member could be asked to resign temporarily.
 - b. Council could appoint someone to serve out interim of term until next election.
 - c. Personal sickness or illness in the family.
 - d. Death of a family member.
- D. Council Member can be removed from the Council for malfeasance (wrong doing) or nonfeasance (not doing their job). (add 02/22/1997)
- E. No Council Member who resigned for was dismissed from the Council will be eligible to be nominated to serve on the Council again for at least one year, with the exception of a Council Member taking a leave of absence due to illness. (add 02/22/1997)

Section 4. Council Actions – The Tribal Council supervises the officers and business of the Nation.

- A. Council makes recommendations to the Nation.
- B. Council shall perform such other duties as specified in the bylaws.
- C. The Council shall be subject to the orders of the Nation.
- D. None of the acts taken by Council shall conflict with the best interest of the Monacan Nation and the boundaries of these Bylaws.
- E. In an emergency situation, the Tribal Council shall make decisions for the Nation, if no Tribal Meeting is possible.
- F. The stock of Monacan Enterprises LLC, which was transferred to the Tribe, shall be voted by the Tribal Council. The Tribal Council shall also exercise all other rights in regard to such stock as provided by the portfolio manager. (add 03/2013)
- G. The Tribal Council may adopt acts that are intended to become public law and present such acts to the Chief to ratify, and if so ratified, such acts shall become public law. If the Chief has not returned the act by ratification or veto within thirty (30) calendar days of receipt, such act, at 8:00am on the thirty-first (31st) day, becomes law. (change 02/2023)

Section 5. Secretarial Elections-The Tribal Council shall have and possess the full authority of the Nation to request and authorize that the Secretary of the United States Department of the Interior serve as the election officials in order to conduct a leadership or governing documents election or to observe or supervise such elections and in doing so, the Secretary's representatives may adjudicate such election disputes. (change 02/2023)

ARTICLE 8. COMMITTEES

Section 1. General – For the purpose of insuring the orderly operation of the Tribe and its business.

- A.** All committees will be selected at regular Tribal Meetings. EXAMPLES: Finance, Powwow, Museum, Land Committees.
 - 1.** All Committee Members will select a Chairperson.
 - 2.** All Committee Members will have voting power within their committee only.

Section 2. Committee Meetings – The Committee Meetings shall be held at such time and place as the respective committee chairperson may select.

Section 3. Action of Committee – All action taken by any committee appointed or formed by the Tribal Council shall be subject to the approval of the Tribal Council.

Section 4. Monthly Reports – All committees must make a monthly report to the Tribal Council. The committee must state what it has accomplished in the last thirty (30) days and what it hopes to accomplish in the next thirty (30) days. This must also include a financial statement.

ARTICLE 9. PARLIMENTARY AUTHORITY

Section 1. Governing Rules – These Bylaws and “Roberts Rules of Order” shall govern the business conducted by the Nation and Tribal Council.

ARTICLE 10. GENERAL PROVISIONS

Section 1. Fiscal Year – Unless otherwise ordered by the Tribal Council, the fiscal year of the Monacan Nation shall be from January 1st to December 31st.

Section 2. Amendments – The Tribal Council shall have the power to bring a vote before the Nation any changes to alter, amend and rescind any part of these Bylaws of the Nation.

- A.** It must be passed by 2/3 majority vote of members present at a Tribal Meeting.
- B.** Any member of the Monacan Tribe may request changes in the Bylaws provided such request is made in writing and bears the signatures of at least five (5) other members and filed with the Tribal Council.

Section 3. Quorum – for the transaction of business is defined as 50% plus one of the eligible members present at a meeting. (add 03/2013)

BYLAWS AMENDMENTS

| SECTION | WORDING | DATE |
|------------------------|--|----------------------------------|
| Article 6 Section 1 | Amended to read as: The Tribal meeting will be held on the fourth (4 th) Saturday of each month unless otherwise changed by the Tribe or Tribal Council. | Tribal Meeting January 27, 1996 |
| Article 7 Section 1 | Amended to read as: The business and affairs of the Monacan Tribe shall be managed by a Tribal Council consisting of at least seven (7) members, but not more than twelve (12) members from Virginia. Council will hold an election within two (2) months to replace at least two (2) members if the Council has only (7) seven active members. | Tribal Meeting January 27, 1996 |
| ARTICLE 1 | Change to read: the Monacan Indian Nation instead of Monacan Indian Tribe | February 22, 1997 Tribal Meeting |
| ARTICLE 2 | Add a Section 5 to read: No Individual or Individuals will represent the Monacan Indian Nation without express written consent, signed, dated and approved by | February 22, 1997 Tribal Meeting |
| ARTICLE 7 | Section 3...add subheading D. Council Member can be removed from the Council for malfeasance (wrong doing) or nonfeasance (not doing their job). E. No Council Member who resigned or was dismissed from the Council will be eligible to be nominated to serve on the Council again for at least one year, with the exception of a Council Member taking a leave of absence due to illness. | February 22, 1997 Tribal Meeting |
| Article 4 OFFICERS | Change to read Secretary and Treasure will be nominated from the Tribe and elected at next Tribal meeting by all present. | November 21, 1998 |
| | Change Annual meeting from April to June | November 21, 1998 |
| | Terms ? Added to ballot. | November 21, 1998 |
| Article 7 - section 5. | Dual Obligations- Was deleted | Tribal Meeting on March 26, 1999 |
| Article 7- Section 1. | Changed to allow out of town Monacans to serve on council. Changed to read: General Powers- The business and affairs of the | February 26, 2000 |

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| | | Monacan nation shall be managed by a Tribal Council. Consisting of at least seven (7) members, but not more than twelve (12) of whom 2/3 are from Virginia. Voted on and approved as long as Section 3c is enforced. | |
| Article 6 – Meetings | | Section 1. - To read as – Tribal meetings will be held the Third Saturday of opposite months of the Council meetings, unless otherwise changed by the Tribal Council. | Tribal Meeting-October 18, 2003 |
| Article 6 – Meetings | | Section 2. – To read as – Council meetings will be held the opposite months of the Tribal meeting in a time and place determined by the Tribal Council. | Tribal Meeting-October 18, 2003 |
| Article 7 – Tribal Council | | Section 1. – ADD – All agendas, minutes, flyers or handouts distributed at these satellite community meetings must also be made available to the Tribal Council in Amherst Virginia. | Tribal Meeting-October 18, 2003 |
| Article 4, Section 5 – Chief | | Change term of office, a maximum tenure per person is 2 four year terms. | Annual Tribal Meeting-June 18, 2011 |
| Article 5, Section 1, Part H – Terms and Duties of Officers, Chief | | Change Not to exceed the amount specified in the Tribal Budget to Not to exceed the amount of \$500.00 This is limited to a onetime expense. | Annual Tribal Meeting-June 18, 2011 |
| Article 5, Section 2, Part D – Terms and Duties of Officers, Assistant Chief | | Change Not to exceed the amount specified in the Tribal Budget to Not to exceed the amount of \$500.00 This is limited to a onetime expense. | Annual Tribal Meeting-June 18, 2011 |
| Article 2, Section 6 – Authority to Authorize a Contract to Incur Debt for the Monacan Indian Nation | | Any debt indebteding the Nation for any amount to exceed \$500 or establishing a recurring debt, or payment, must be approved by the Tribal Council and present to the Tribe for the vote at the next scheduled tribal meeting. | Tribal Meeting -March 2013 |
| Article 7, Section 4, Part F – Duty to Vote Stock Monacan Enterprises, LLC> | | Add: The stock of Monacan Enterprises, LLC, which was transferred to the Tribe, shall be voted by the Tribal Council. The Tribal Council shall also exercise all other rights in regard to such stock as provided by the portfolio manager. | Tribal Meeting -March 2013 |
| Article 3, Section 4 – Membership | | Change: Election of Chief and | Tribal Meeting -March 2013 |

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| | <p>Assistant Chief will be by on site voting and can include notarized absentee ballots provided by the Monacan Nation (Virginia).</p> <p>All voting will take place at the Monacan Indian Nation Tribal Center in Amherst County Virginia.</p> <p>Positions are named by a majority vote.</p> | |
| Article 5, Section 1, Part E – Terms and Duties of Officers, Chief | Change: The election of the Chief and Assistant Chief will be held on the day of the Annual Tribal meeting in June | Tribal Meeting in 2013 or 2013 |
| Article 5, Section 1, Part E, Item 1 – Terms and Duties of Officers, Chief | Change: The election will be from 8:00 a.m. to 4:00 pm | Tribal Meeting in 2013 or 2013 |
| Article 10, add Section 3 – Quorum | Add: Quorum for the transaction of business is defined as 50% plus one of the eligible members present at a meeting. | Tribal Meeting in 2013 or 2013 |
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BYLAW AMENDMENTS

| SECTION | WORDING | DATE |
|-------------------------|--|----------------------------------|
| Article 5, Section 1.A. | Delete the language of subsection E in its entirety, replace with the following new language: "The Chief shall have and possess the full authority of the Nation to determine and authorize whether election officials, including the Secretary of the Department of the Interior, shall be required to use the Nation's elections and voting procedures or those of Secretarial elections listed in the applicable section of the United States Code of Federal Regulations." | February 18, 2023 Tribal Meeting |
| Article 7 | Add: " Section 5. Secretarial Elections – The Tribal Council shall have and possess the full authority of the Nation to determine and authorize that the Secretary of the United States Department of the Interior serve as the election officials in order to conduct a leadership or governing documents election or to observe or supervise such elections and in doing so, the Secretary may adjudicate such election disputes." | February 18, 2023 Tribal Meeting |
| Article 5, Section 1 | Add: Subsection J. "Ratify and finalize all acts of the Tribal Council that are intended to become public law, or veto such acts and send back to the Tribal Council for reconsideration; except that the Chief's veto shall not prevail against the majority vote of members present at a Tribal meeting. Where the Chief vetoes an act of the Tribal Council intended to become public law, members present at a Tribal meeting may vote to override the veto." | February 18, 2023 Tribal Meeting |
| Article 7, Section 4 | Add: Subsection G. "The Tribal Council may adopt acts that are intended to become public law and present such acts to the Chief to ratify, and if so ratified, such acts shall become public law. If the Chief has not returned the act by ratification or veto within thirty (30) calendar days or receipt, such act, at 8:00am on the thirty-first (31 st) day, become law." | February 18, 2023 Tribal Meeting |