



Official Constitution and By-Laws
of
The Tribe of the Whitetop Band of Native Indians, Inc.

PREAMBLE

We the people of The Tribe of the Whitetop Band of Native Indians in order to preserve and enrich our Tribal culture, and live in peace and security with the right of sovereignty, do establish our Constitution and By-Laws for the governance of The Tribe of the Whitetop Band of Native Indians Inc.

ARTICLE I - TRIBAL SELF-DETERMINATION AND IDENTITY

SECTION 1

As Indigenous People, we have the collective right to live in freedom, peace, and security as a distinct people and shall not be subject to any act of genocide or other act of violence, degradation, or racial discrimination.

SECTION 2

Our Tribal Citizens are free and the equal of all other individuals. We proclaim that we have the right to be free from any kind of discrimination in the exercise of our rights and, in particular, our rights based on our indigenous identity.

ARTICLE II - CITIZENSHIP

SECTION 1

Tribal Citizens of The Tribe of the Whitetop Band of Native Indians, Inc., (herein also referred to as The Whitetop Tribe Band of Native Indians or the Whitetop Tribe or the Tribe) shall have voting rights upon enrollment. Tribal Citizens shall be permitted to hold an elected seat on the Tribal Council after the second (2nd) anniversary of their official enrollment date. Eligibility for Tribal Citizen status criteria consist of the following:

- a. Those persons who apply for enrollment and demonstrate direct descent from one of the following Sizemore ancestors, who have been proven to be of American Indian heritage, including but not limited to:

George "All" Sizemore b. 1748-50 d. 1822 in Perry Co, KY.

Ephraim Sizemore b. 1748 d. 1836 in Spartanburg Co, SC.

George Sizemore b. 1750 d. 1820 in Ashe Co, NC.

George Sizemore b. 1750 d. 1793 in Barnwell Co, SC.

Edward Sizemore b. 1748 d. 1810 in Hawkins Co, TN.

William Sizemore b. 1750 d. 1830 Stokes Co, NC.

Any direct descendant of a Sizemore or family member who submitted an Eastern Cherokee Nation application (ECA) for enrollment and was denied, but whose name(s) are on the Guion Miller Roll of 1906 (overturned).

- b. Persons over eighteen (18) years of age who have a genealogical lineage with direct parental ancestors to the specific Sizemore American Indian historical ancestor.
- c. Direct descendants of enrolled Tribal Citizens.
- d. Each applicant must submit a complete family tree showing the direct line to the specific Sizemore ancestor, together with supporting documentation such as birth certificates, death certificates, and/or marriage certificates.

SECTION 2

Adopted Citizen of The Tribe of the Whitetop Band of Native Indians shall consist of approved applicants who meet the following requirements:

- a. Adopted Citizens must be members of a Tribal Citizen's family such as a spouse, child, or stepchild, and who resides with a Tribal Citizen at least thirty percent (30%) of the year.
- b. An Adopted Citizen shall not have the same voting and other privileges as Tribal Citizens.
- c. An Adopted Citizen shall not hold a seat in the Whitetop Tribal Council or any other official position in The Tribe of the Whitetop Band of Native Indians.

SECTION 3

Associate Citizen of The Tribe of the Whitetop Band of Native Indians shall consist of approved applicants who meet the following requirements:

- a. Associate Citizens must prove their American Indian heritage by genealogical records and/or Y-DNA, Mt-DNA, or Autosomal DNA results and who are not direct descendants of a Sizemore ancestor listed in Section 1(a) and must be related to a Tribal Citizen enrolled in of The Tribe of the Whitetop Band of Native Indians.
- b. An Associate Citizen shall not have the same voting and other privileges as Tribal Citizens.
- c. An Associate Citizen shall not hold a seat in The Tribe of the Whitetop Band of Native Indians Tribal Council or any other official position in The Tribe of the Whitetop Band of Native Indians.

SECTION 4

No citizen shall be enrolled with another American Indian Tribe, whether such is recognized or not recognized by any federal, state, county, city, town or other government entity.

SECTION 5

The Whitetop Tribal Council shall have the power to promulgate regulations governing enrollment procedures and documentation standards.

- a. There shall be established a written Whitetop Band of Native Indians Tribal Roll which shall be kept by the Tribal Council. The Tribal Roll shall include existing citizens and applicants who satisfy membership eligibility requirements.
- b. There shall be an enrollment number assigned to every name which is approved and placed into The Tribe of the Whitetop Band of Native Indians Roll. This number shall be preceded by the four letters, "WBNI".
- c. The combined total number of Adopted and Associate citizenship shall not exceed twenty percent (20%) of the total number of living Tribal Citizens of the Tribe.
- d. By mutual decision agreeable to both the Chief and Chairman, honorary memberships can be issued to individuals. Honorary memberships by executive order do not constitute any enrollment, title, inclusion, rights, or privileges of any nature.

SECTION 6

The Whitetop Tribal Council shall have the power to limit enrollment.

- a. Whitetop Tribal Council has the authority to close new enrollments for any specific length of time.

- b. Enrollment cannot be closed to minor children (17 years of age and under) of direct descendant of any living enrolled Tribal Citizen.

SECTION 7

Citizens of The Tribe of the Whitetop Band of Native Indians have a responsibility to each other and the Tribe as a whole.

- a. Citizens should immerse and embody Whitetop Tribal culture and Native American culture.
- b. Citizens should actively engage in tribal functions.
- c. Citizens should regularly support the financial well being of the Tribe.
- d. Citizens should regularly offer any specialized services, time, and support they are able to provide for the overall good of the Tribe.

ARTICLE III - GOVERNING BODY

SECTION 1

The governing body of The Tribe of the Whitetop Band of Native Indians shall consist of an Executive Officer known as “Chief”, a Tribal Council known as the “Whitetop Tribal Council” or “Tribal Council”, and a Judicial Branch known as “The Supreme Court of The Tribe of the Whitetop Band of Native Indians”.

SECTION 2

The Chief Executive Officer of The Tribe of the Whitetop Band of Native Indians shall be known as "Chief of The Tribe of the Whitetop Band of Native Indians”.

SECTION 3

The Tribe of the Whitetop Band of Native Indians Council shall consist of (5) elected members and members who are appointed by the elected Tribal Council.

Chairman shall preside over all meetings of the Tribal Council in accordance with the rules and laws of The Tribe of the Whitetop Band of Native Indians, where applicable and not inconsistent with this Constitution and By-Laws, ordinances, resolutions or procedures enacted by the Whitetop Tribal Council.

Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman, he or she shall preside. When so presiding, he or she shall have all rights, privileges and duties as well as the responsibilities of the Chairman.

In the absence, inability or refusal to act both the Chairman and Vice-Chairman at any of its duly called meetings, where

a quorum is present the Whitetop Council may appoint by majority vote a member of the Tribe to chair that meeting only. Such appointees shall meet the qualifications specified in Article III Sec. 6.

Communications/Business Coordinator primary responsibilities are in marketing and communications in an effort to promote a positive public image among various audiences and advance the Tribe's efforts to raise funds. This position will also collaborate with others in the organization to achieve brand consistency, coordination of messages, and the highest standards for external communications. This position is responsible for coordinating organization-wide design, message and content generation, including electronic and print communications. The coordinator will create and manage an organization-wide communications calendar. The coordinator is also responsible for creating and managing budgets related to publications and communications.

Treasurer shall accept, receive receipt for, preserve and safeguard all Tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. He or she shall oversee the deposit of all funds in such depository as the council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her possession and custody, at each regular meeting of the Whitetop Council and at such other times as requested by the Tribal Council. The Treasurer shall not pay or otherwise disburse any funds in his or her possession or custody except in accordance with a resolution duly passed by the Tribal Council.

Secretary shall conduct all Tribal correspondence and shall keep an accurate record of all matters transacted at Tribal Council and Member meetings. It shall be his or her duty to submit promptly to the Tribal Council, copies of all minutes of regular and special meetings of the Tribal Council. The Secretary may appoint an assistant secretary from the citizenship of the Tribe.

SECTION 4

The Whitetop Tribal Council shall be elected by citizens who are entitled to vote.

SECTION 5

The elected members of the Whitetop Tribal Council shall appoint officers and committees as may be deemed necessary for Tribal Council or Tribe. Appointed members of the Tribal Council will maintain the same voting privileges as the elected members. The duties of each member of the Whitetop Tribal Council shall be those set forth herein,

those normally pertaining to such office and as otherwise as delegated by the Chief or Chairman.

SECTION 6

The Tribe of the Whitetop Band of Native Indians Tribal Court shall consist of at least one (1) and no more than (3) elected Tribal Citizens of The Tribe of the Whitetop Band of Native Indians. Tribal Court Judges shall serve in that office for a term of four (4) years.

- a. The power of the Tribal Court of The Tribe of the Whitetop Band of Native Indians shall reside in the Supreme Court of The Tribe of the Whitetop Band of Native Indians and such inferior courts as the Tribal Council may establish. The Supreme Court of The Tribe of the Whitetop Band of Native Indians shall have jurisdiction over all cases and controversies arising under the Whitetop Constitution, By-Laws and Ordinances. In the event the Tribal Council establishes inferior courts, the Supreme Court of The Tribe of the Whitetop Band of Native Indians shall have appellate jurisdiction over cases appealed from a decision of the inferior courts. The Supreme Court of The Tribe of the Whitetop Band of Native Indians shall consist of at least one (1) sitting judge. Tribal Court Judges shall serve four (4) year terms. Tribal Court Judges shall have the qualifications and be selected as set out below
- b. The Chief Judge of the Supreme Court of The Tribe of the Whitetop Band of Native Indians shall meet the qualifications for Tribal Chairperson specified in Article IV, Section 4, except that the minimum age of the Supreme Tribal Judge shall be thirty-five (35) years.
- c. The Chief Judge of the Supreme Court of The Tribe of the Whitetop Band of Native Indians shall meet the qualifications for Tribal Chairperson specified in Article IV, Section 4, except that the minimum age of the Supreme Tribal Judge shall be thirty-five (35) years.
- d. The Chief Judge of the Supreme Court shall bear administrative responsibilities for the conduct of the Court's business.
- e. Any appeal from a decision made by a Tribal Court Judge shall be made to The Chief Judge of the Supreme Court of The Tribe of the Whitetop Band of Native Indians whose decision shall be final and unappealable.
- f. In the event of a vacancy of the Supreme Judge's seat, the Whitetop Tribal Council will appoint a qualified Tribal Citizen to fill the

position, until the next general election. In the absence of an elected Tribal Court or the refusal of the court to carry out its duties the Chief Executive Officer of the Tribe of the Whitetop Band of Native Indians can be empowered by a two-thirds (2/3) vote of Tribal Council to carry out the duties of the court.

SECTION 7

The rule of law to be applied in the Supreme Court of The Tribe of the Whitetop Band of Native Indians in all cases and controversies shall be the will of the Whitetop Citizens as expressed in the Whitetop Constitution and By-Laws, duly adopted Tribal regulations, ordinances, and Whitetop Tribal custom.

ARTICLE IV - ELECTIONS AND NOMINATIONS FOR WHITETOP TRIBAL COUNCIL

SECTION 1

The eligible voters of The Tribe of the Whitetop Band of Native Indians shall elect members of the Whitetop Council for a term of two (2) years.

SECTION 2

Members of the Whitetop Council shall be elected to specifically enumerated seats to include the offices of: Chairman, Vice Chairman, Treasurer, Communication/Business Coordinator, and Secretary. The elected Council shall determine appointed positions. Appointed council members shall serve two (2) year terms coinciding with the general election.

SECTION 3

A primary election for the Whitetop Tribal Council shall be held during the second (2nd) week of June every two (2) years after the prior election date.

- a. The election will be held at the scheduled time by combination of some or of all means as follows: in person, electronic vote, e-mail, U.S. Postal Service, or other available means as approved by the Whitetop Tribal Council and the Whitetop Election Board.
- b. At least sixty (60) days prior to any election the Whitetop Tribal Council shall appoint a Whitetop Tribal Election Board from Tribal Citizen request, that will oversee the Tribe's election process, including notifying all eligible voters of the coming election.
- c. The Whitetop Tribal Election Board will tabulate all votes, regardless of the manner in which they are submitted.

SECTION 4

The Election Board shall be an independent Tribal Election Board of The Tribe of the Whitetop Band of Native Indians, which shall have the following authority:

- a. To publish regulations governing the conduct of all Tribal Elections.
- b. To conduct all recall, initiative, and referendum proceedings and any other matters specified herein or authorized by Tribal Ordinance.
- c. The Tribal Election Board shall consist of a minimum of (3) Tribal Citizens over the age of eighteen (18) approved by the Tribal Council.
- d. No member holding an official seat within any office of The Tribe of the Whitetop Band of Native Indians may hold a seat on the Election Board.

SECTION 5

Accountability

- a. Tribal Citizens must maintain and update accurate contact information with Tribal Council. Change of address, email, and/or phone number must be up to date with Tribal Council to be considered an eligible voter.
- b. It is the responsibility of citizens to be aware and participate in tribal affairs.

ARTICLE V - QUALIFICATIONS FOR WHITETOP TRIBAL COUNCIL

SECTION 1

Any Tribal Citizen of The Tribe of the Whitetop Band of Native Indians twenty-five (25) years of age or older and after the second (2nd) anniversary of their official enrollment date shall be eligible to run for the Whitetop Tribal Council.

- a. Each qualified candidate for the Whitetop Tribal Council shall file a written notice of candidacy with the Whitetop Tribe Election Board at least twenty (20) days prior to the election, and shall at that time declare the one (1) position sought.
- b. Any citizen, regardless of level of citizenship, may nominate any qualified Tribal Citizen for candidacy on the Whitetop Tribal Council. Nomination must be made and confirmed by the nominee with a declaration of seat sought no later than twenty (20) days prior to the election. Nominations may only be made during regularly scheduled meetings unless a special meeting is called for the purpose of nominations.
- c. The list of candidates shall be published by The Tribe of the Whitetop Band of Native Indians Tribal Election Board on the Tribal website not less than ten (10) days prior to the election.

- d. If an appointed Election Board member is nominated for the Whitetop Tribal Council, that member is required to step down from the Election Board. The Whitetop Tribal Council will then appoint a Tribal Citizen as a replacement for that seat.

SECTION 2

All elections shall be held in accordance with the regulations established by the Whitetop Tribal Election Board. In the event of any dispute over procedure or regulation for elections, The Whitetop Council's vote shall be binding.

SECTION 3

Physical voting place(s) shall be at the discretion of the Whitetop Tribal Council or by mail in ballots or other means as previously mentioned.

SECTION 4

All elections shall be by secret ballot. Mail in ballots shall be received by the Whitetop Election Board no later than two (2) days prior to the election date.

SECTION 5

Any citizen of The Tribe of the Whitetop Band of Native Indians eighteen (18) years of age or older who has the right to vote as established under these By-Laws shall be eligible to submit a voting ballot.

ARTICLE VI - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1

Each Whitetop Tribal Council member is expected to perform the duties of office and shall be responsible for carrying out the duties of the title and office.

SECTION 2

Should the Chairman position be vacated the Vice Chairman shall fill that position during absence and/or until a special election can be held.

SECTION 3

Should the Chief's position be vacated the Chairman will carry out the Chief's duties until a special election can be held for a new Chief.

SECTION 4

Any member of the Whitetop Tribal Council and the Chief is subject to removal upon petition signed by a majority of all Tribal Citizens. The filing of a petition with the

Whitetop Tribal Council shall commence removal proceedings. The reason(s) for the requested removal shall be set forth in the petition and a vote shall be held upon written notice of a special Tribal meeting to be held no sooner than twenty-one (21) days after a copy of the petition is posted on the Tribal website and emailed to members eligible to vote. Removal of a Tribal Council Member shall occur only if a majority of Tribal Citizens casting votes at the specified meeting vote in favor of the removal. Removal of the Chief can occur only if two-thirds (2/3) of the Tribal Citizens casting votes at the specified meeting vote in favor of the Chief's removal. Council may temporarily relieve the Chief or any Elected Council Member of their duties for a period not exceeding 30 days with a two-thirds (2/3) full council vote. A Judicial Review must commence within 10 days of the start of any temporary removal. Appointed Tribal Council Members may be removed with a two-thirds (2/3) vote of elected Tribal Council Member

SECTION 5

Any member of the Whitetop Tribal Council absent for six (6) consecutive regular monthly meetings without reason presented to The Tribal Council can be ejected from The Tribal Council by majority vote of Tribal Council. Tribal Council can then seek a placement by interim appointment.

ARTICLE VII - INSTALLATION OF TRIBAL COUNCIL

SECTION 1

Newly elected members of the Whitetop Tribal Council shall be installed in office at the first regular meeting of the Whitetop Tribal Council after the election.

SECTION 2

Newly appointed Whitetop Tribal Council members will be installed in office upon the approval of the majority of the Whitetop Tribal Council. The appointees will be announced to the body of Tribal members. The timing of announcement will be the responsibility of the Whitetop Tribal Council.

ARTICLE VIII - CHIEF AND CEO

SECTION 1

The Chief who shall be called "The Chief of The Tribe of the Whitetop Band of Native Indians" shall carry the title of Chief Executive Officer and will hold this office for life, unless voluntarily vacated by a signed written statement from the Chief and presented to the Whitetop Tribal Council or removed from office by approved petition.

SECTION 2

The Chief of The Tribe of the Whitetop Band of Native Indians will oversee the Whitetop Tribal Council meetings and represent the Tribe at all functions, the Gathering and act as figurehead of The Tribe of the Whitetop Band of Native Indians. The Chief's vote will be

counted as one (1) vote and shall be cast only in the event of a tied vote that necessitates a tie-breaking vote.

ARTICLE IX - POWERS OF COUNCIL

SECTION 1

Enumerated Powers of the Whitetop Tribal Council shall consist of the following, subject to all express restrictions upon such powers contained in this Constitution and By-Laws.

- a. To negotiate with the federal, state and local governments on behalf of the Tribe and to advise and consult with the representatives of the United States Government, on all activities of the United States Government that may affect The Tribe of the Whitetop Band of Native Indians
- b. To prevent the future sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, without consent of the Tribe.
- c. To encourage and foster American Indian language, arts, crafts, culture and traditions.
- d. To enact ordinances not inconsistent with Article I of this Constitution, governing adoption and abandonment of membership, and to keep at all times a correct roll of The Tribe of the Whitetop Band of Native Indians.
- e. To delegate to subordinate boards, which are open to all Tribal of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.
- f. To explore the purchase of Tribal lands for the purpose of but not limited to establishing a reservation, cultural center, museum and permanent gathering place for Tribal members and their families and guests.
- g. To investigate, restore and preserve our ancestors' sacred burial grounds and heritage.

SECTION 2

Any rights and powers herein vested in The Tribe of the Whitetop Band of Native Indians by this Constitution and By-Laws shall not be abridged, but may be exercised by the people of The Tribe of the Whitetop Band of Native Indians.

ARTICLE X - BILL OF RIGHTS

SECTION 1

Suffrage; Any Tribal Citizen of The Tribe of the Whitetop Band of Native Indians entitled to vote who is eighteen (18) years of age or over, maintains contact information, shall be entitled to vote at any election when he or she presents himself or herself at the assigned voting venue, tenders a mail in ballot or other electronic means approved by the Whitetop Tribal Council.

SECTION 2

All citizens of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Tribe.

SECTION 3

Civil Liberties; All citizens of the Tribe may enjoy, without hindrance, freedom of: worship, conscience, speech, press, assembly, and association.

SECTION 4

All Tribal Citizens have the right to petition with good cause The Tribe of the Whitetop Band of Native Indians for any matter at any time. The following procedure is required:

- a. Prior to submitting a petition, it is required that members contact a Council member of their choice, to discuss the purpose for a possible petition.
- b. If not resolved or acted upon, a written petition must be filed by a citizen and include a detailed explanation of purpose and reasoning for action requested.
- c. Must have at least fifteen (15) signatures of Tribal Citizens attached, before the petition will be accepted by the particular Council Member. Anonymous signatures will not be accepted.
- d. The chain of process will be discussed with the particular Council Member. Any such petition shall be filed with the Chairman. The Chairman will consult the Chief. The Chief will then consult with the Whitetop Tribal Council and if the issue is not acted upon, the Supreme Judge will be consulted. The Supreme Judge will conduct a hearing with parties he deems to be necessary and advisable in order to render a just and proper decision. The decision of the Supreme Judge will be final and cannot be appealed.
- e. All expenses that may be incurred for this process will be the whole responsibility of the petitioner.

SECTION 5

Each Tribal Citizen upon written request may receive an updated Tribal Membership list from the Tribal Council with good cause. The requesting citizen must agree in writing that the information received will be used exclusively for Tribal purposes and not personal gain or business opportunity. All Whitetop Tribal Citizen lists are to be kept confidential at all times.

ARTICLE XI - WHITETOP TRIBE CODE OF CONDUCT

SECTION 1

All Citizens, including the Whitetop Council will commit to establishing and promoting a positive image of The Tribe of the Whitetop Band of Native Indians, its citizens and activities.

SECTION 2

It is expected that no citizen will be involved in criminal acts or acts of moral turpitude.

SECTION 3

Citizens should not be intoxicated or under the influence of illegal substances during meetings or activities of the Tribe, or while representing The Tribe of the Whitetop Band of Native Indians.

SECTION 4

All citizens should have a positive attitude and represent The Tribe of the Whitetop Band of Native Indians in an exemplary manner, at all times.

SECTION 5

All citizens need to follow the proper line of communication for resolution of Tribal issues. The resolution process set forth in Article X, Section 4(c) shall govern

SECTION 6

Violations of The Tribe of the Whitetop Band of Native Indians Code of Conduct that are verified through a reliable source (Whitetop Tribal Council, Whitetop Supreme Judge or law enforcement agency, etc.) will be investigated by the Whitetop Tribal Council. Violation(s) may result in removal from The Tribe of the Whitetop Band of Native Indians, Whitetop Tribal Council or any other committee, seat or position held relating to the Tribe.

ARTICLE XII - VOLUNTARY OR INVOLUNTARY TERMINATION

SECTION 1

Voluntary termination from The Tribe of the Whitetop Band of Native Indians may occur at any time. A letter of resignation or termination of citizenship must be submitted to the Chief and Whitetop Tribal Council.

SECTION 2

Involuntary termination from the Tribe must follow all protocol as previously stated in these By-Laws.

SECTION 3

Upon either voluntary or involuntary termination all confidential information must be returned to the Whitetop Tribal Council and shall be kept confidential for life. Inflammatory, derogatory or libelous statements or actions against The Tribe of The Whitetop Band of Native Indians or any of its citizens may result in legal action.

SECTION 4

Termination of citizenship whether voluntary or otherwise may result in a permanent termination. Re-enrollment of terminated citizens requires a two-thirds (2/3) vote of Tribal Council.

SECTION 5

Upon Termination the Whitetop Tribe will retain all records and has no obligation to return records to any terminated parties.

ARTICLE XIII - REFERENDUM

Upon a petition of at least one-third (1/3) of the eligible voters of The Tribe of the Whitetop Band of Native Indians, or upon the request of a majority of the citizens, any enacted or proposed regulation or resolution of the Whitetop Tribal Council shall be submitted to popular referendum and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the Whitetop Tribal Council.

ARTICLE XIV - AMENDMENTS

This Constitution and By-Laws may only be amended by a two-thirds (2/3) vote of eligible voting Tribal Citizens participating and casting votes at the specified time and manner designated by Tribal Council. Tribal Council may present amendments for the express purpose of amending this Constitution and By-Laws. Any proposed amendment must be included as an agenda at a regular scheduled citizens meeting a minimum of thirty (30) days prior to any vote. The proposed amendments shall be published on the Tribal website for a minimum of thirty (30) days prior to any vote.

- a. It is the responsibility of citizens to be aware and participate in tribal affairs.

ARTICLE XV - MEETINGS

SECTION 1

Enrolled citizens of The Tribe of the Whitetop Band of Native Indians are requested to participate in monthly tribal meetings. The date and time of tribal meetings is to be determined by the Tribal Council.

SECTION 2

Two-thirds (2/3) or a minimum of five (5) members of the Whitetop Tribal Council must be present to constitute a quorum to legally transact the business of the Whitetop Tribal Council.

SECTION 3

All decisions shall be by a majority vote of the Whitetop Tribal Council members at meetings at which a quorum is present; with the exceptions that a two-thirds (2/3) vote of the entire Whitetop Tribal Council shall be necessary to rescind any former action of the Whitetop Tribal Council, and that this section shall not supersede any Article in this Constitution and By-Laws that requires a vote in conflict with this Amendment.

SECTION 4

The Council shall have the power to establish regulations that it deems necessary and proper for the good of the Tribe, which shall not be contrary to the provisions of this Constitution and By-Laws.

SECTION 5

No regulations passed by the Council shall have retroactive effect or operation.

SECTION 6

Members of the Council shall be bound by oath, to support the Constitution and By-Laws of The Tribe of the Whitetop Band of Native Indians, the Constitution of the United States of America, do everything within the individual's power to promote the heritage, culture and traditions of the Tribe, and to perform the duties of their respective offices with fidelity. The Chief shall swear in new council members. In the event the Chief is unavailable to do so, the Chief Judge of the Supreme Court of The Tribe of the Whitetop Band of Native Indians shall do so. The swearing of the oath of office ceremony may take place at the Gathering or another venue, as needed.

SECTION 7

The oath of office will be as follows: In the presence of the Citizens of The Tribe of The Whitetop Band of Native Indians here assembled - I (officer's name), do

solemnly promise and pledge - that I will faithfully discharge the duties of (office title) with fidelity, support the Constitution and By-Laws of The Tribe of the Whitetop Band of Native Indians, support The Constitution of The United States of America, and promote the heritage, culture, and traditions of the Tribe - to the best of my knowledge and ability.

ARTICLE XVI - FISCAL

SECTION 1

The fiscal year shall commence on the thirty-first (31st) day of December of each year, unless otherwise decided by the Council as provided by law.

SECTION 2

The fiscal accounts of The Tribe of the Whitetop Band of Native Indians shall have two (2) approved signatories, responsible for all transactions within the account.

SECTION 3

The Treasurer shall provide an annual expense report and a budget projection for the coming year, during the month of January, to the Whitetop Tribal Council. Members may submit a written request to the Treasurer, for reports.

SECTION 4

At least thirty (30) days prior to the convening of each regular session of the Whitetop Tribal Council, the Treasurer shall make and present to the Council an itemized estimate of the donations with a statement of the sources from which donations have been or are to be received, under the laws, grants, judgments, interests, and any other sources in effect at the time such estimate is made for the next ensuing fiscal year.

SECTION 5

Council Treasurer shall require that records be maintained of all funds, monies, accounts or indebtedness and all other accounts bearing upon the fiscal interests of the Tribe by the use of a uniform system of accounting which records and financial statements shall be audited by an independent committee prior to the submission of said accounts to the Council.

SECTION 6

The Treasurer and the Chief shall be authorized to accept all grants, donations of money, interest of funds of The Tribe of the Whitetop Band of Native Indians, judgments and any and all other sources of monies available to the

Tribe, for uses and purposes and upon the conditions and limitations for which the same are granted or donated; and the faith of the Tribe is hereby pledged to preserve such grants and donations as a sacred trust, and to keep the same for the use and purposes for which they were granted or donated.

SECTION 7

All expenditures of money by and on behalf of the Tribe shall specify the purpose for which the money is to be used, and the money so designated shall be used for no other purpose. Annual expenditures shall not exceed the available funds.

SECTION 8

General laws shall be enacted by the Whitetop Council providing for the deposit of funds of the Tribe, and the depository thereof, and such funds shall be under the control of the Treasurer, under such terms and conditions as shall be designated by said Whitetop Council and under such laws that shall provide for the protection of said funds.

SECTION 9

No official, member or officer of the Whitetop Tribal Council, Chief, or member of any Tribal committee shall receive from any individual, partnership, corporation, or entity doing business with The Tribe of the Whitetop Band of Native Indians directly or indirectly, any interest, profit, benefits or gratuity, other than wages, salary, per diem, or expenses, specifically provided by law without the prior authorization of the Whitetop Tribal Council unanimous vote.