



Considerations for Tribal Bylaws

Writing bylaws is an important part of the planning stage of the cooperative process. In your bylaws, you define membership, outline your leadership structure, and decide how to amend your cooperative in the future. When writing bylaws for a tribal cooperative, there are some additional factors to consider to make sure your bylaws are as accurate and comprehensive as possible.

Definitions

Some bylaws for tribal cooperatives include a definitions section to clarify terms that have different meanings within the tribal nation. For example, “member” in your bylaws might refer strictly to members of your cooperative, but some may interpret “member” to mean any enrolled member of your tribal nation. “Owner” and “ownership” are similar—some Native groups collectively own land or businesses outside of cooperatives. If your cooperative benefits families or households, defining what exactly “household” means can clarify questions around multi-generational family homes. A definitions section towards the beginning of your bylaws can help you avoid confusion and ambiguity in the future. A comprehensive document on language considerations can be found on the Montana Cooperative Development Center’s website.

Benefits

Including who benefits from the cooperative may also be useful to include in your bylaws. While all cooperatives benefit their member-owners, some Native-owned cooperatives choose to extend the same or scaled-back benefits to enrolled members of a tribal nation or all residents of a reservation.

Membership Requirements

While it is legal under state law to have Native lineage or tribal member status as a requirement for cooperative membership, it is one of the cooperative principles to have membership open for all. One way to navigate this is to look at who will actually *use* the cooperative. If the cooperative is a tribe-specific resource, chances are that consumer-members will be part of that community. Cooperatives can also limit membership to a geographical region that could include reservations, surrounding rural communities, or traditional Native lands.

Legal Considerations

When writing bylaws, as well as when forming a cooperative in general, it’s important to see whether you have to consider tribal as well as state law. The Native American Development Center partnered with the Montana Cooperative Development Center in 2020 to review the laws concerning cooperatives on all seven reservations as well as the state-recognized Little Shell Tribe. This document can be found on the Montana Cooperative Development Center’s website.

Conclusion

Your cooperative's bylaws determine how your cooperative will run. While bylaws can always be amended, keeping these considerations in mind when forming a Native cooperative can help you draft bylaws that are as accurate to your vision as possible.



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