

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
FORT McDOWELL
MOHAVE-APACHE COMMUNITY
ARIZONA



RATIFIED JUNE 6, 1938



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CORPORATE CHARTER OF THE FORT McDOWELL MOHAVE-APACHE COMMUNITY

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF
JUNE 18, 1934

Whereas, the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation is a recognized Indian tribe organized under a constitution and by-laws ratified by the Community on October 3, 1936, and approved by the Secretary of the Interior on November 24, 1936, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Community have petitioned that a charter of incorporation be granted to such Community, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation to be effective from and after such time as it may be ratified by a majority vote at an election in which at least 30 per cent of the adult Indians living on the reservation shall vote.

*Corporate
Existence
and
Purpose.*

1. In order to further the economic development of the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation in Arizona by conferring upon the said Community certain corporate rights, powers, privileges and immunities; to secure for the members of the Community an assured economic independence; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Fort McDowell Mohave-Apache Indian Community."

*Perpetual
Succession.*

2. The Fort McDowell Mohave-Apache Community shall, as a Federal Corporation, have perpetual succession.

*Member-
ship.*

3. The Fort McDowell Mohave-Apache Community shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Community as provided by its duly ratified and approved constitution and by-laws.

Management.

4. The Council of the Fort McDowell Mohave-Apache Community established in accordance with the said constitution and by-laws of the Community, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by its constitution and by-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Community of any land, or interests in land, including water rights, oil, gas, and other mineral rights, now or hereafter held by the Community.

(2) No leases or permits (which terms shall not include land assignments to members of the Community) covering any land or interests in land now or hereafter held by the Community within the boundaries of the Fort McDowell Indian Reservation shall be made by the Community for a longer term than ten years, and all such leases and permits must be approved by the Secretary of the Interior or by his duly authorized representative; but leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Community which in any way operates to destroy or injure the Community grazing lands or other natural resources of the Fort McDowell Indian Reservation. All leases, permits and contracts relating to the use of Community grazing lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall

be made a condition of any such lease, permit, or contract whether or not such agreement requires the approval of the Secretary of the Interior, and violations of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

- (c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Community and to use such funds directly for productive Community enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: *Provided*, That any indebtedness to which the Community may subject itself, other than indebtedness to the Indian Credit Fund, shall be subject to the express approval of the Secretary of the Interior.
- (d) To engage in any business that will further the economic well-being of members of the Community and to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
- (e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Arizona, including agreements with the State of Arizona for the rendition of public services: *Provided*, That any contract involving payment of money by the corporation in excess of \$2,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (f) To pledge or assign chattels or future Community income due or to become due to the Community: *Provided*, That such assignments of Community income, other than assignments to the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income from any single source in any one year: *And provided further*, That any such pledge or assignment shall be subject to the approval of the Secre-

tary of the Interior or his duly authorized representative.

- (g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.
- (h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Community other than income or chattels specially pledged or assigned.
- (i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. Upon the request of the Community Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b), (2), 5 (c), 5 (e), 5 (f) and 5 (g), of this Charter, the Secretary of the Interior, if he shall approve such request shall thereupon submit the question of such termination to the Community for a referendum vote. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Community residing on the reservation shall vote. If at any time after ten years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove such request or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Community Council to popular referendum of the adult members of the Community actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

Corporate Income.

7. No property rights of the Fort McDowell Mohave-Apache Community, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly rec-

ognized. The individually owned property of members of the Community shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Community shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

*Corporate
Dividends.*

8. The Community may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Community and may use all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations for the establishment of a reserve fund, the construction of public enterprises, the expense of Community Government, the needs of charity, or other corporate purposes. No per capita distribution of any assets of the Community shall be made.

*Corporate
Accounts.*

9. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community which shall clearly show all credits, debts, pledges and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs. The Treasurer of the Community shall be the custodian of all moneys which come under the jurisdiction or control of the Community Council. He shall pay out money in accordance with the orders and resolutions of the Council, and no disbursements shall be made without the signature or approval of the Treasurer. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the Community Council at each regular and special meeting. He shall be bonded in such an amount as the Council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the Treasurer shall be audited at the direction of the Council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the Community or duly authorized representatives of the Government at all reasonable times.

*Amend-
ments.*

10. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

*Ratifica-
tion.*

11. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Fort McDowell Mohave-Apache Community living on the Fort McDowell

Indian Reservation provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent in charge of the Fort McDowell Indian Reservation and the President of the Fort McDowell Mohave-Apache Community.

Submitted by the Assistant Secretary of the Interior for ratification by the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *April 26, 1938.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on April 26, 1938 by the Assistant Secretary of the Interior to the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation, was duly submitted for ratification to the adult Indians living on the reservation and was on June 6, 1938 duly approved by a vote of 71 for, and 4 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

SAM WILSON,
President, Fort McDowell Mohave-Apache Community.
H. E. ROBINSON,
Superintendent, Pima Agency.

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