

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

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AMENDED  
CORPORATE CHARTER  
OF THE  
SAN CARLOS APACHE TRIBE ]  
ARIZONA

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Ratified March 7, 1955



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1957

San Carlos

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# AMENDED CORPORATE CHARTER

of the

## SAN CARLOS APACHE TRIBE, ARIZONA

Whereas, the Council of the San Carlos Apache Tribe as expressed in its Resolution No. 51-54 which was adopted on December 8, 1954, deems it desirable to propose certain amendments to the Corporate Charter of the San Carlos Apache Tribe which was issued to the Tribe by Acting Assistant Secretary W. C. Mendenhall on September 27, 1940, by virtue of the authority conferred upon him by the act of June 18, 1934 (48 Stat. 984), and which was subsequently ratified by the adult members of the Tribe on October 16, 1940, by a vote of 588 for, and 399 against, in an election in which over thirty percent of the tribal members entitled to vote cast their ballots,

Now, therefore, I, ORME LEWIS, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, *supra*, and in accordance with Section 9 of the San Carlos Corporate Charter which was ratified by the San Carlos Apache Tribe on October 16, 1940, do hereby present the following revised Corporate Charter which I have approved for ratification by a majority vote of the adult members living on the San Carlos reservation at an election in which at least thirty percent of the eligible voters vote. This revised Corporate Charter shall be effective from and after such time as it may be ratified by the Tribe as herein provided.

*Corporate  
Existence  
and Purpose*

1. In order to further the economic well-being and independence of the San Carlos Apache Tribe and its members by giving to the tribe certain corporate rights, powers, privileges and exemptions the aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, "San Carlos Apache Tribe."

*Duration*

2. The San Carlos Apache Tribe shall as a Federal corporation have indefinite duration.

*Membership*

3. The San Carlos Apache Tribe shall be a membership corporation consisting of all members now or hereafter recognized as members of the tribe, as

provided for in Article III of the Constitution. No person, except as provided in Article III of the Constitution, shall become a member of the Corporation.

*Management*

4. The Tribal Council of the San Carlos Apache Tribe, established in accordance with the said constitution and bylaws of the tribe, shall exercise all the corporate powers hereinafter enumerated.

*Corporate Powers*

5. The tribe, subject to any restrictions contained in the Constitution and the laws of the United States or in the constitution and bylaws of the said tribe, shall have the following corporate powers in addition to all the powers already conferred or guaranteed by the tribal constitution and bylaws.

- A. To adopt, use and alter 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 Tribe of any land, interest in land, including water power sites, water rights, oil, gas, and other mineral rights now or hereafter held by the Tribe.
  2. No leases, permits (which terms shall not include land assignments to members of the tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the tribe, within the boundaries of the San Carlos Apache Reservation, shall be made by the tribe for a longer term than is permitted by law.
  3. No action shall be taken by or in behalf of the tribe which in any way operates to destroy or injure the tribal grazing lands, timber or natural resources of the San Carlos Apache Reservation. All leases, permits and timber sale contracts relating to the use of tribal grazing and timber lands shall require the person using

such tribal lands to conform to regulations of the Secretary of the Interior, authorized by section 6 of the Act of June 18, 1934 (48 Stat. 984), with respect to range carrying capacity, sustained yield forestry management and other matters therein specified.

- 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 sources, and to use such funds directly for productive tribal enterprises or to loan money thus borrowed to individual members or associations of members of the tribe, provided that the amount of indebtedness to which the tribe may subject itself shall not exceed \$50,000, except with the express approval of the Secretary of the Interior, or his authorized representative.
- D. To engage in any business that will further the economic well-being of the members of the tribe or 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 the 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 rendition of public services, provided that any contract involving payment of money or delivery of property by the corporation of a value in excess of \$50,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his authorized representative.
- F. To pledge or assign chattels or future tribal income due or to become due to the tribe, provided that such agreements of pledge or assignment or extensions thereof other than an agreement with the United States, shall not extend more than 10 years from the date

of execution and shall not cover more than one-half of the total net tribal income in any one year.

- G. To deposit corporate funds, without limitation on the amount in any account, in any national or state bank whose deposits are insured by any agency of the Federal Government; Provided, that funds advanced from the Indian credit fund or from funds of the Tribe held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative in connection with such advance require that the advance be so deposited.
- H. To sue and 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 tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the tribe other than income or chattels especially pledged or assigned.
- I. To exercise such further incidental powers not inconsistent with law as may be necessary to the conduct of corporate business.

*Corporate  
Property*

- 6. No property rights of the San Carlos Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without the owner's consent.

*Corporate  
Income*

- 7. The tribe may issue to each of its members a non-transferable certificate of membership, evidencing the equal share of each member in the assets of the tribe, and may use all profits of corporate enterprises or income, over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, for public purposes of the tribe, including the construction

of public works, the cost of public enterprises, the expense of tribal government, the needs of charity and the making of loans to members of the tribe, but no general distribution per capita of such profits or income shall be made other than money that may be recovered on tribal claims against the government.

*Corporate  
Accounts*

8. The tribe shall maintain accurate and complete accounts of the financial affairs of the tribe and shall furnish an annual balance sheet and report of the financial affairs of the tribe through the tribal council at a general meeting of the tribe.

*Amendments*

9. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolution of the Tribal Council, which, if approved by the Secretary of the Interior, to be effective, shall be ratified by a majority vote of the adult members living on the reservation at an election in which at least thirty percent of the eligible voters vote.

*Ratification*

10. This amended charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the San Carlos Apache Tribe, provided at least thirty percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the San Carlos Apache Agency and the Chairman of the San Carlos Apache Tribe.

### APPROVAL

Amended Corporate Charter of the San Carlos Apache Tribe,  
Arizona

The amended Corporate Charter of the San Carlos Apache Tribe is herewith approved and submitted for ratification by the adult members of the Tribe living on the San Carlos Reservation, in accordance with Section 9 of the Charter and pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984).

Approval recommended:

W. BARTON GREENWOOD

*Acting Commissioner of Indian Affairs*

ORME LEWIS

*Assistant Secretary of the Interior*

WASHINGTON, D. C., *January 26, 1955*

[SEAL]

## CERTIFICATE OF RATIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), the foregoing amended Corporate Charter issued on January 26, 1955, by the Assistant Secretary of the Interior to the San Carlos Apache Tribe of the State of Arizona, was duly submitted for ratification to the adult members of the Tribe and was on March 7, 1955, ratified by a vote of 522 for and 158 against, in an election in which at least 30 percent of those entitled to vote cast their ballots.

JESS J. STEVENS

*Chairman, San Carlos Tribal Council*

PRISCILLA SMITH

*Secretary, San Carlos Tribal Council*

THOMAS H. DODGE

*Superintendent, San Carlos Agency*

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