

CONSTITUTION AND BY-LAWS OF AK-CHIN (PAPAGO)
INDIAN COMMUNITY

Approved December 20, 1961

"ARTICLES OF ASSOCIATION"

WHEREAS The Ak-Chin Indian Community is an un-organized group of Papago Indians living on the Maricopa (Ak-Chin) Indian Reservation in Pinal County, State of Arizona, hereinafter referred to as the "Community", and

WHEREAS The Community has no Constitution and By Laws under which it operates, and

WHEREAS The Community has conducted its business affairs by voice of the entire Community through an elected Chairman and Secretary, and

WHEREAS The Community now desires to organize under Articles of Association with a duly elected governing body (Community Council) consisting of five members who will have the specific powers and duties hereinafter enumerated and that the Bureau of Indian Affairs and other shall recognize the Community Council's authority to act and speak for itself and on behalf of the Community.

NOW THEREFORE BE IT RESOLVED the Ak-Chin Indian Community, subject to the approval of the Secretary of the Interior, do hereby adopt the following Articles of Association.

ARTICLE I – TERMS

SECTION 1. For the convenience of brevity and unless otherwise specified, the following terms will be construed to have the meanings set forth in this section:

- (A) Community – Ak-Chin Indian Community.
- (B) Council – Ak-Chin Indian Community Council.
- (C) Reservation – Maricopa (Ak-Chin) Indian Reservation, Arizona.
- (D) Secretary of the Interior – The Secretary of the Interior or his duly authorized representative.
- (E) Superintendent – Superintendent of the Pima Agency, Sacaton, Arizona, under which the Reservation is placed for administrative purposes, or his successor.
- (F) Chairman – Chairman of the Ak-Chin Indian Community.
- (G) Vice Chairman – Vice Chairman of the Ak-Chin Indian Community.
- (H) Treasurer – Treasurer of the Ak-Chin Indian Community.
- (I) Secretary – Secretary of the Ak-Chin Indian Community.
- (J) Councilman – Male (or Female) member of the Ak-Chin Indian Community.
- (K) He (he or she) -- Wherever used the masculine shall include the feminine.

ARTICLE II – TERRITORY

The jurisdiction of the community shall extend to all lands now comprised within the Maricopa (Ak-Chin) Indian Reservation and to such other lands may hereafter be acquired.

ARTICLE III – MEMBERSHIP

SECTION 1. The membership of the committee shall be determined as follows:

- (a) All persons of Indian blood whose names appear on the official census rolls as of June 30, 1928; provided, that within five years after the adoption and approval of these Articles of Association, corrections may be made in said roll by the Community Council, subject to the approval of the Secretary of the Interior.
- (b) After the approval of these Articles of Association by the Secretary of the Interior, all children of members wherever born shall be entitled to membership in the Community if they are at least one-fourth (1/4th) degree Indian blood.
- (c) The Council shall have the power to enact ordinances, subject to the approval of the Secretary of the Interior, governing future membership, and the adoption of members of the Community.

ARTICE IV – GOVERNING BODY

SECTION 1. The governing body of the Community shall be known as the Ak-Chin Indian Community Council and shall consist of a Chairman, Vice Chairman, and three Council members who shall be elected by the qualified voters of the Community. Three members of the Council shall constitute a quorum.

SECTION 2. The first election of Council members under these Articles of Association shall be held within 90 days following the adoption and approval of the Articles of Association.

In the first election the two candidates receiving the highest number of votes shall hold office for a period of three years. The next two candidates receiving the highest number of votes shall hold office for a period of two years. The candidate receiving the fifth highest number of votes shall hold office for a period of one year, thereafter; Council member shall serve for three years, one member to be elected at the end of the first year, two members to be elected at the end of the second, and two members at the end of the third year.

SECTION 3. The Council Chairman, and Vice Chairman, shall be elected from the Council membership by the qualified voters of the Community for a period of one year. The Chairman and Vice Chairman shall be elected immediately following the election of the Council members. Only Council members are eligible for these offices. The Chairman, or Vice Chairman, may be reelected for successive terms.

SECTION 4. The Council may choose the Secretary and Treasurer, from within, or without, the Council or the Community membership.

ARTICLE V – QUALIFICATION OF OFFICERS

SECTION 1. No person shall be elected or hold the office of Chairman, Vice Chairman, or Councilman unless he:

- (1) Is a member of the Community.

- (2) Has reached the age of 25 years, has been living on the reservation for at least one year preceding the election. Additional qualifications may be prescribed by ordinance enacted by the Council.

ARTICLE VI – ELECTIONS

SECTION 1. Any member of the Community 21 years of age, or over, shall be entitled to vote.

SECTION 2. The Council shall prescribe election regulations with respect to the dates thereof, polling places, election committees and their duties, absentee balloting, and any other requirements thereof.

ARTICLE VII – VACANCY

SECTION 1. The Council shall declare that a vacancy exists when any officer or member of the Council shall die, become insane, resign, or be removed from office for neglect of duty or gross misconduct, or permanently leaving the Community, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, County, State, or Federal Court.

SECTION 2. The Council by affirmative vote of three members may expel any member for neglect of duty, or gross misconduct in office, but, before any vote for expulsion is taken, such member shall be given a fair opportunity to answer any, or all, charges. The decision of the Council shall be final.

SECTION 3. Should a vacancy exist in the Office of the Chairman, the Vice Chairman shall immediately succeed to the Office of the Chairman, and the Office of the Vice Chairman shall thereupon be vacant.

SECTION 4. Should a vacancy exist in the Office of the Vice Chairman, or Councilman, a successor shall be elected at a special election called by the Council within 60 days after the vacancy occurs. Should a vacancy occur within six months, or less, of a regular scheduled election the Council may waive the special election and allow the vacancy to exist until the successor is elected at the regular scheduled election.

ARTICLE VIII – POWERS OF THE COMMUNITY COUNCIL

SECTION 1. The Council shall exercise the following powers subject to any limitations imposed by applicable statutes of the United States and the regulations of the Secretary of the Interior made pursuant thereto.

- (a) To represent the Community in negotiations with Federal, State, and local governments and other corporations, associations, partnerships, or individuals and cooperate with the Bureau of Indian Affairs, Department of Public Health, and various departments and agencies of the State of Arizona in matters of welfare, education, recreation, and social services.
- (b) To appoint subordinate officials, committees, and boards and to prescribe their duties and powers.
- (c) To promote and protect the health, peace, morals, education, and general welfare of the Community and its members.
- (d) To administer all Community property.

- (e) To prepare and adopt budget subject to approval by the Secretary of the Interior.
- (f) To expend money in conformance with adopted budget.
- (g) To employ legal counsel, the choice of the Council and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (h) To make assignments of Community land property and the improvements thereon.
- (i) To regulate inheritance of assignments.
- (j) To assess fees on Community members for public purposes or to finance any project or enterprise which it deems beneficial to the interests of the community as a whole.
- (k) To provide by ordinance regulations for removal or exclusion from the Reservation non-members whose presence may be injurious to the peace, health, or welfare of the Community. Such ordinances shall be subject to review by the Secretary of the Interior.
- (l) To determine its own rules of procedures.
- (m) To take such actions as are necessary to carry into effect any of the foregoing powers or duties.
- (n) To prevent the sale, disposition, lease, use or encumbrance of Community Assets.
- (o) To advise the Secretary of the Interior on all activities that may affect the Ak-Chin Indian Community and on all appropriation estimates and Federal projects for the benefit of the Community before such estimates and projects are submitted to the Bureau of the Budget and to Congress.

ARTICLE IX – AMENDMENTS

Section 1. These Articles of Association may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30% of those entitled to vote shall vote in such an election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed Amendment at the request of the Community Council, or upon receipt of a petition signed by at least 30% of the qualified voters of the Community.

BY-LAWS OF THE AK-CHIN INDIAN COMMUNITY

SECTION I. Each elected and each appointed officer shall have such powers and perform such duties as are prescribed by the Articles of the Association, or by Community Ordinances, of the Council.

SECTION II. The Chairman shall be the Chief Executive Officer of the Community.

SECTION III. The Vice Chairman shall assist the Chairman when called upon to do so, and shall function as Chairman in his absence.

SECTION IV. The Secretary shall be the official Custodian of all files, records, and correspondence of the Community and of the Community Seal. He shall prepare all minutes, resolutions, and ordinances enacted by the Council and transmit required copies to the Superintendent.

SECTION 5. The Treasurer shall accept, receive, give receipt for and safeguard all funds of the Community. As directed by the Council, he shall deposit all 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; or deposit funds with bonded disbursing officer of the United States. All deposit shall be made in the name of the Ak-Chin Indian Community. The Council may require deposits in banks to be collateralized. He shall not pay or disburse any funds of the Community except when properly authorized to do so by the Council. At the second regular Council meeting each month he shall submit a written report of receipts, disbursements, and the balance in each separate account for the preceding calendar month.

He may designate a duly bonded agent to perform any of his duties under his direction. Executed copy of such designation must be filed with the Secretary.

The books and records of the Treasurer shall be audited at least once a year and at such other times as the Council may direct, by a firm of certified public accountants employed by the Council. The Treasurer and all others handling Community funds shall be bonded by a corporate surety on the list approved by the United States Treasury Department, in an amount satisfactory to the Council and approved by the Secretary of the Interior. The Council may authorize a blanket bond.

SECTION VI. A duly elected Councilman shall not lose his right to vote at Council meetings because of membership on any committee.

SECTION VII. Each officer, committeemen or other person appointed, signed or serving in any capacity for the Council shall at the end of his service in office turned over all correspondence, books, records, and documents to the Secretary.

SECTION VIII. The regular meetings of the Council shall be held on the first and third Wednesday of each month unless otherwise designated by the Council.

SECTION IX. Special Council Meetings may be held at such time and place as:

- (a) The Council may designate.
- (b) The Chairman may call designate.
- (c) Written application of three more members of the Council may designate.

The Secretary shall give notice of such meetings to the Chairman, Five Chairman, and all Councilmen.

SECTION X. Each duly elected, or appointed, officers shall before assuming the duties of his office be given or subscribe to the following oath of office:

“I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will promote and protect the best interests of the Ak-Chin Indian Community in accordance with its Articles of Association, so help me God.”

Signature

CERTIFICATE OF ADOPTION

pursuant to an order approved August 7, 1961, by the Assistant Sec. of the Interior, the attached Articles of Association of the Ak-Chin Indian Community of the Maricopa (Ak-Chin) Indian Reservation, Arizona, were submitted for ratification to the qualified voters of the reservation and were on September 16, duly adopted by a vote of 44 for and 8 against, in an election in which at least 30% of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1936, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

RICHARD CARLYLE
Chairman of the Election Board

ROSS LOPEZ
Secretary of the Election Board

MINTON J. NOLAN
Superintendent, Pima Agency

APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the Articles of Association of the Maricopa, (Ak-Chin) Indian Community.

Approval recommended:

PHILLEO NASH
Commissioner
Bureau of Indian Affairs
Washington D.C.
Date: Dec. 20, 1961.

JOHN A. CARVER, JR.
(Assistant) Secretary of the Interior
[SEAL]

AMENDMENT 1

SECTION 1. The membership of the Ak-Chin Indian Community shall be determined as follows:

- (a) All persons of Indian blood whose names appear on the official census roll as of January 1, 1940, except those individuals designated with the letters N E (Not Enrolled) and of those individuals who have relinquished membership or have become members of some other tribe or band.
- (b) All children of 1/4th degree Indian blood born after January 1, 1940, to members of the Ak-Chin Indian Community.
- (c) Adoption into the Community of any person of Indian blood who does not meet the requirements in this Article shall be accomplished by the majority vote of the qualified voters of the Community, voting at an election called for that purpose by the Community Council or upon presentation of a petition for the meeting signed by one fourth of the qualified voters, members of the Ak-Chin Indian Community. Such adoptions shall be subject to the approval of the Secretary of the Interior or his authorized representative.
- (d) Any person of at least one fourth degree Indian blood may be adopted into the Ak-Chin Indian Community as long as he is legally adopted by a member or members of the Ak-Chin Indian Community. Such adoptions shall be accomplished by the majority vote of the Ak-Chin Indian Community Council, subject to the approval of the Secretary of the Interior or his authorized representative.
- (e) Corrections may be made to the roll any time by the Community Council, subject to the approval of the Secretary of the Interior.
- (f) Any person rejected for enrollment as a member of the Ak-Chin Indian Community, except those persons rejected under Subsection (c) of this Section, shall have the right to appeal from that decision to the Secretary of the Interior and the decision of the Secretary is final. All appeals must be filed in accordance with the procedures set out in 25 CFR 42.
- (g) The enrollment records shall be kept current by the Community Council who shall remove there from the names of persons who die or relinquish membership in the Community and by adding thereto the names of the persons who qualify for membership.
- (h) The Community Council shall have the authority to prescribe rules to be followed in compiling a membership roll, the completed roll to be approved by the Community Council. In the event the roll is used as the basis for distributing tribal assets, it shall be submitted to the Secretary of the Interior for approval.

AMENDMENT II

AMENDMENT II reads as follows:

ARTICLE VIII, Powers of the Community Council, shall be amended by adding thereto a new section, Section 2, Manner of Review.

SECTION 2. Manner of Review. Any ordinance or resolution which, by the terms of these Articles of Association, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Pima Agency, whose shall, within 10 days after its receipt, approve or disapprove the same. If the Superintendent shall approve said ordinance or resolution, it shall thereupon become

effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Sec. of the Interior, who may, within 90 days from the date of receipt by him, rescind the said ordinance or resolution for any cause by notifying the Council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution within 10 days after its receipt, he shall advise the Council of his reasons therefor in writing. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its receipt by him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Amendments I and II were approved October 5, 1966, by the Assistant Secretary of the Interior, Harry R. Anderson, at Washington, DC.
