ARTICLE 1 - GENERAL LEASE PROCEEDS

Legislative History: Ordinance No. 02-83, “For Distribution of Lease Proceeds,” was enacted by the Papago Council on June 6, 1983 and approved by the Papago Agency Superintendent on June 13, 1983.

Note: The distribution of certain lease proceeds is addressed in Article XVI, Section 5 of the Constitution of the Tohono O’odham Nation, which became effective March 6, 1986.
WHEREAS, Section 4 of Article VIII of the Constitution of the Papago Tribe delegates to the Council of the various Districts of the Papago Reservation the authority to lease tribal lands which are not assigned or used for public purposes, and provides that one-half of the lease proceeds shall accrue to the Papago Council and one-half to the District Council; and

WHEREAS, the Papago Council has determined that it is to the best interest of the Papago Tribe as a whole that the first $9,000.00 of fixed proceeds accruing annually from leases of tribal lands shall be allocated to the Districts in which such lands are located.

NOW, THEREFORE, BE IT ENACTED by the Council of the Papago Tribe that henceforth and until otherwise directed by this Council all proceeds accruing from leases of tribal lands (other than leases of tribal lands for mining purposes, which are governed by the provisions of the Ordinance for the Distribution of Mining Proceeds, Ord. No. 13-82) which are executed either by the Papago Tribe or by the various Districts of the Papago Reservation shall be paid to the Treasurer of the Papago Tribe and shall be divided as follows:

(A) All of the proceeds accruing from such leases, which are fixed and not computed on a portion or percentage of revenue, income and receipts derived thereunder and which aggregate the sum of $9,000.00 per year shall be deposited to the IIM Account of the District in which the lands are located, to be expended under budgets or resolutions of the District's Council duly approved by the Papago Council.

(B) All other proceeds accruing from such leases, including proceeds which are fixed and not computed on a portion or percentage of revenue, income and receipts derived thereunder in excess of the aggregate annual sum of $9,000.00, and all proceeds which are computed on a portion or percentage of revenue, income, or receipts derived thereunder, shall be divided as follows:

(1) Fifty percent thereof shall be deposited to the general account of the Papago Tribe, to be expended under budgets or resolutions of the Papago Council, along with other tribal revenue, for the benefit of the Papago Tribe.

(2) Fifty percent thereof shall be deposited to the IIM Account of the District in which the lands are located, to be expended under budgets or resolutions of the District's Council duly approved by the Papago Council.

The foregoing Ordinance was passed by the Papago Council on the 6th day of June, 1983, at a meeting at which a quorum was present with a vote of 1440.0 for; 0 against; 0 not voting; and 0 absent, pursuant to the authority vested in it by Section 4 of Article VIII and by Section 3 (1) of Article V of the Constitution of the Papago Tribe of Arizona ratified by the Tribe on December 12, 1936, and approved by the Secretary of
the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), and amended by the Papago Tribe to add Article 3 (1) on April 9, 1960, and approved by the Secretary of the Interior on May 9, 1960. Said Ordinance is effective as of the date of its approval by the Superintendent of the Papago Agency, and is subject to rescission by the Secretary of the Interior, pursuant to Section 6, Article V of the Constitution and By-laws of the Papago Tribe.

THE PAPAGO COUNCIL

Josiah Moore, Chairman

ATTEST:

Rose Johnson, Secretary

ORDINANCE APPROVED this 13th day of June, 1983.

Curtis C. Nordwall
Superintendent, Papago Agency